

000525

REQUEST FOR COUNCIL ACTION
CITY OF SAN DIEGO1. CERTIFICATE NUMBER
(FOR AUDITOR'S USE ONLY)151
7/16TO:
CITY ATTORNEY2. FROM (ORIGINATING DEPARTMENT):
ETHICS COMMISSION

05/11/07

4. SUBJECT:
Amendments to the Municipal Lobbying Ordinance

5. PRIMARY CONTACT (NAME, PHONE & MAIL STA.)

Stacey Fulhorst; 533-3476; MS615E

6. SECONDARY CONTACT (NAME, PHONE & MAIL STA.)

Stephen Ross; 533-3476; MS615E

7. CHECK BOX IF REPORT TO
COUNCIL IS ATTACHED ☒

8. COMPLETE FOR ACCOUNTING PURPOSES

FUND					9. ADDITIONAL INFORMATION / ESTIMATED COST:
DEPT.					
ORGANIZATION					
OBJECT ACCOUNT					
JOB ORDER					
C.I.P. NUMBER					
AMOUNT					

10. ROUTING AND APPROVALS

ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	ORIGINATING DEPARTMENT	<i>Stacey Fulhorst</i>	5/11/07	8	DEPUTY CHIEF		
2				9	COO		
3				10	CITY ATTORNEY	<i>Stephen Ross</i>	7/3/07
4	LIAISON OFFICE			11	ORIGINATING DEPARTMENT	<i>Stacey Fulhorst</i>	7/3/07
5					DOCKET COORD: _____	COUNCIL LIAISON: _____	
6				<input checked="" type="checkbox"/>	COUNCIL PRESIDENT <i>MS</i>	<input type="checkbox"/> SPOB <input type="checkbox"/> CONSENT <input checked="" type="checkbox"/> ADOPTION	
7					<input type="checkbox"/> REFER TO: _____	COUNCIL DATE: 7/16/07	

11. PREPARATION OF:

☐ RESOLUTION(S)☒ ORDINANCE(S)☐ AGREEMENT(S)☐ DEED(S)

An ordinance amending the provisions of the Municipal Lobbying Ordinance in the San Diego Municipal Code.

11A. STAFF RECOMMENDATIONS:

Approve changes to the Municipal Code.

12. SPECIAL CONDITIONS:

COUNCIL DISTRICT(S):COMMUNITY AREA(S):ENVIRONMENTAL IMPACT:HOUSING IMPACT:OTHER ISSUES:CITY ATTORNEY
MAY 11 10 28 AM '07

EXECUTIVE SUMMARY SHEET
CITY OF SAN DIEGO

DATE ISSUED: May 11, 2007
ATTENTION: San Diego City Council
ORIGINATING DEPARTMENT: Ethics Commission
SUBJECT: An ordinance amending the City's Municipal Lobbying Ordinance

CONTACT/PHONE NUMBER: Stacey Fulhorst / 533-3476

REQUESTED ACTION:

Adopt the Ordinance amending the City's Municipal Lobbying Ordinance

STAFF RECOMMENDATION:

Adopt the Ordinance

EXECUTIVE SUMMARY:

The proposed amendments to the Municipal Lobbying Ordinance are reflected in the attached Ordinance, Alternative A, Strike-Out Ordinance, and City Attorney Digest. The proposed reforms are extensive and are explained in detail in the attached memo from Stacey Fulhorst dated May 11, 2007. If adopted, the proposals will:

- 1) Change the registration threshold;
- 2) Require lobbying firms and organization lobbyists to register (instead of individual lobbyists) and disclose the activities of their officers and employees;
- 3) Require the disclosure of additional information on lobbyist registration forms and quarterly disclosure reports; and
- 4) Limit gifts to City Officials from lobbying firms and organization lobbyists to \$10 per month.

FISCAL CONSIDERATIONS:

None

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

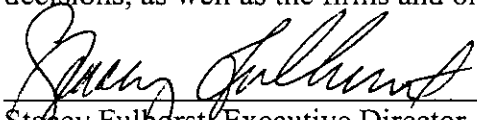
Approved by the Rules Committee on March 7, 2007

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Public discussion at eighteen Ethics Commission meetings from November 2005 through April 2007, as well as public discussion at Rules Committee meetings on October 25, 2006, and March 7, 2007

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Persons who are compensated to contact City Officials for the purpose of influencing municipal decisions, as well as the firms and organizations who employ such persons.


Stacey Fulhorst, Executive Director
City of San Diego Ethics Commission

CITY ATTORNEY DIGEST

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 7, DIVISION 40 OF THE SAN DIEGO MUNICIPAL CODE BY RETITLING AND AMENDING SECTION 27.4001; AMENDING SECTIONS 27.4002 AND 27.4004; REPEALING SECTION 27.4005; AMENDING SECTIONS 27.4006 AND 27.4007; RETITLING AND AMENDING SECTIONS 27.4009 AND 27.4010; AMENDING SECTION 27.4012; REPEALING SECTIONS 27.4013 AND 27.4014; AMENDING SECTIONS 27.4015 AND 27.4016; RETITLING AND AMENDING SECTION 27.4017; ADDING NEW SECTION 27.4018; RETITLING, AMENDING, AND RENUMBERING PREVIOUS SECTION 27.4018 TO SECTION 27.4019; REPEALING SECTIONS 27.4020 AND 27.4021; RETITLING AND AMENDING SECTIONS 27.4022, 27.4023, AND 27.4024; ADDING SECTION 27.4030; AMENDING AND RENUMBERING SECTION 27.4025 TO SECTION 27.4040; AMENDING AND RENUMBERING SECTION 27.4026 TO SECTION 27.4041; ADDING SECTION 27.4045; AMENDING AND RENUMBERING SECTION 27.4027 TO SECTION 27.4050; AMENDING AND RENUMBERING SECTION 27.4028 TO SECTION 27.4055; AND AMENDING CHAPTER 2, ARTICLE 7, DIVISION 35 BY AMENDING SECTION 27.3503, ALL RELATING TO THE CITY OF SAN DIEGO MUNICIPAL LOBBYING ORDINANCE

This ordinance makes changes to Chapter 2, Article 7, Division 40 of the San Diego Municipal Code, which contains the City's Municipal Lobbying Ordinance. It makes a number of substantive changes to the Lobbying Ordinance with regard to applicable thresholds for qualifying as a lobbyist; the identity of the City Officials who may be the subject of a lobbying communication; the nature of information disclosed on registration forms and quarterly reports; limits on lobbyists' gifts to City Officials; and the definitions applicable to this division.

This ordinance expands the purpose and intent of the Lobbying Ordinance, and in particular states that this ordinance is intended to: ensure that the citizens of San Diego have access to information about the use of paid lobbyists to influence municipal decisions; provide clear and unambiguous disclosure requirements; prohibit the improper influence over City Officials; promote transparency; avoid corruption and the appearance of corruption; reinforce public trust in the integrity of local government; and regulate lobbying activities in a manner that does not discourage or prohibit the exercise of constitutional rights.

This ordinance makes minor and major changes to the definitions applicable to the division. In particular, it narrows the definition of "City Official" to include only those positions expressly listed in the ordinance. Accordingly, communications with anyone not identified as a "City Official" in the ordinance are not considered "lobbying." This ordinance also clarifies that a lobbying firm's "clients" may include one or more individual members of a coalition or membership organization. In this regard, it would require a lobbying firm to identify as a "client" on its registration form any member of a coalition or membership organization who has paid, or agreed to pay, \$1,000 or more to the firm for the purpose of lobbying on a specific municipal decision.

Under this ordinance, a lobbying firm will be required to register with the City Clerk if it receives, or becomes entitled to receive, any amount of compensation for engaging in lobbying activities on behalf of any other person, so long as the firm has at least one direct communication with a City Official for the purpose of influencing a municipal decision. This firm-based threshold replaces the \$2,730 individual compensation threshold in place in past versions of the Lobbying Ordinance.

Under this ordinance, a business or organization, including a non-profit organization, must register as an "organization lobbyist" if it pays compensation to one or more employees who have a total of 10 or more separate contacts with City Officials within a 60 day period. This

organization-wide contacts threshold replaces the \$2,730 individual compensation threshold in place in past versions of the Lobbying Ordinance.

This ordinance also requires entities to register with the City Clerk within ten days of qualifying as a lobbying firm or organization lobbyist. Requiring the firm or organization to register is a change from previous versions of the Lobbying Ordinance, which required individual lobbyists to register. On its registration form, a lobbying firm must disclose information identifying the firm, the firm's clients, the types of municipal decisions it will seek to influence on behalf of those clients, and the individuals in the firm who have engaged, or are expected to engage, in lobbying activities. An organization lobbyist (referred to as a "lobbyist employer" in previous versions of the Lobbying Ordinance) must disclose information identifying itself and the nature of its business, the names of individuals authorized to lobby the City, the total number of contacts with City Officials during the previous 60 days, and a description of any municipal decisions it has sought to influence during the previous 60 days. For both lobbying firms and organization lobbyists, this ordinance also requires the disclosure of information on the registration form relating to the following activities engaged in by owners, officers, and lobbyists during the preceding two years: fundraising activities, compensated campaign related services, and compensated services performed under a City contract. The ordinance contains a clause exempting from disclosure any of these activities that are performed prior to January 1, 2007.

Past versions of the Lobbying Ordinance have identified specific registration fee amounts. In contrast, this ordinance imposes no particular registration fee amount, but establishes that the fee shall be set by the City Council based on the recommendations of the City Clerk, and memorialized in the rate book on fees on file in the office of the City Clerk. This ordinance requires that a lobbying firm's registration fee shall be based on the number of lobbyists and clients identified on its registration form. Organization lobbyists are required to pay a flat fee regardless of the number of individuals in the organization who engage in lobbying activities.

This ordinance requires that amendments to the registration form be made within 10 calendar days of any changes to the information required to be disclosed.

This ordinance also introduces a new type of lobbyist: the expenditure lobbyist. This type of lobbyist does not necessarily have direct communications with City Officials for the purpose of influencing municipal decisions, but instead seeks to influence such decisions through indirect means, such as public relations, media relations, advertising, public outreach, research, investigations, reports, analysis, studies, and similar activities. Expenditure lobbyists do not register as lobbyists, but do have quarterly reporting obligations for any calendar quarter in which they spend \$5,000 or more on efforts to influence municipal decisions.

This ordinance requires lobbying firms, organization lobbyists, and expenditure lobbyists to file quarterly disclosure reports no later than the last day of April, July, October, and January, for the immediately preceding calendar quarter. Lobbying firms must disclose identifying information regarding the firm, its lobbyists, its clients, its activity expenses, the municipal decisions it sought to influence on behalf of those clients, the names and departments of City Officials lobbied, and the total compensation it became entitled to receive from each client. Lobbying firms must also disclose campaign contributions made to candidates and candidate-controlled committees, fundraising activities, and compensated services to a campaign or in connection with a City contract. An organization lobbyist must disclose identifying information regarding itself, its lobbyists, its activity expenses, the municipal decisions it sought to influence, the names and departments of City Officials lobbied, and the total number of lobbying contacts. Organization lobbyists must also disclose campaign contributions made to candidates and candidate-controlled committees, fundraising activities, and compensated services to a campaign or in connection with a City contract. An expenditure lobbyist must report information identifying itself, a description of any municipal decisions it sought to influence, the total amount it paid to

influence each decision, and the names of any entities who paid \$100 or more to the expenditure lobbyist to help fund the expenditure.

This ordinance requires that amendments to the quarterly disclosure report be made within 10 calendar days of the discovery of any incomplete or inaccurate information.

This ordinance also requires lobbying entities to keep records for five years; allows lobbying firms and organization lobbyists to terminate their status as a lobbying entity under specified circumstances; imposes various obligations on individual lobbyists, such as refraining from actions that would place a City Official under a personal obligation; requires lobbying entities to notify the City Clerk upon hiring any City Officials or members of a City Official's immediate family; imposes a \$10 per month limit on gifts from a lobbying firm or organization lobbyist; requires that lobbying disclosure forms be filed electronically when the City Clerk has developed an electronic filing system; and sets forth the powers and duties of the City Clerk and the Ethics Commission.

This ordinance also makes changes to several definitions in the City's Ethics Ordinance to ensure consistency between the Municipal Lobbying Ordinance and the Ethics Ordinance on matters pertaining to lobbyists.

This ordinance contains a notice that a full reading of the ordinance is dispensed with prior to its final passage because a printed copy will be available to the City Council and the public a day prior to its final passage.

This ordinance shall take effect and be in force on January 1, 2008.

CMB:als
06/28/07
Or. Dept. Ethics
O-2007-137

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 7, DIVISION 40 OF THE SAN DIEGO MUNICIPAL CODE BY RETITLING AND AMENDING SECTION 27.4001; AMENDING SECTIONS 27.4002 AND 27.4004; REPEALING SECTION 27.4005; AMENDING SECTIONS 27.4006 AND 27.4007; RETITLING AND AMENDING SECTIONS 27.4009 AND 27.4010; AMENDING SECTION 27.4012; REPEALING SECTIONS 27.4013 AND 27.4014; AMENDING SECTIONS 27.4015 AND 27.4016; RETITLING AND AMENDING SECTION 27.4017; ADDING NEW SECTION 27.4018; RETITLING, AMENDING, AND RENUMBERING PREVIOUS SECTION 27.4018 TO SECTION 27.4019; REPEALING SECTIONS 27.4020 AND 27.4021; RETITLING AND AMENDING SECTIONS 27.4022, 27.4023, AND 27.4024; ADDING SECTION 27.4030; AMENDING AND RENUMBERING SECTION 27.4025 TO SECTION 27.4040; AMENDING AND RENUMBERING SECTION 27.4026 TO SECTION 27.4041; ADDING SECTION 27.4045; AMENDING AND RENUMBERING SECTION 27.4027 TO SECTION 27.4050; AMENDING AND RENUMBERING SECTION 27.4028 TO SECTION 27.4055; AND AMENDING CHAPTER 2, ARTICLE 7, DIVISION 35 BY AMENDING SECTION 27.3503, ALL RELATING TO THE CITY OF SAN DIEGO MUNICIPAL LOBBYING ORDINANCE.

WHEREAS, pursuant to San Diego Municipal Code section 26.0414, the City of San Diego Ethics Commission has the responsibility of regularly reviewing the San Diego Municipal Lobbying Ordinance and proposing updates to the City Council for its approval; and

WHEREAS, the San Diego Municipal Lobbying Ordinance, codified at Chapter 2, Article 7, Division 40 of the San Diego Municipal Code, has not been substantively amended since May 30, 2000, by Ordinance No. O-18807 N.S., prior to the creation of the Ethics Commission; and

WHEREAS, the act of lobbying City Officials has a valuable and fundamental place in the efficient operation of City government; and

WHEREAS, there is a public interest in regulating the lobbying activities of those individuals and entities who are paid to influence municipal decisions; and

WHEREAS, there is a public interest in regulating the lobbying activities of those individuals and entities who spend money to influence municipal decisions through public relations, advertising, and similar means; and

WHEREAS, during the course of its investigations, the Ethics Commission has encountered significant problems enforcing the Municipal Lobbying Ordinance, particularly with regard to the identification of those who are considered “lobbyists” under the Ordinance; and

WHEREAS, there are many examples, locally and throughout the country, of actual corruption or the appearance of corruption in relationships between lobbyists and elected officials; and

WHEREAS, there is an appearance of corruption in instances where a lobbyist fundraises large sums of money for a candidate for elective City office, and then later seeks to influence that candidate-turned-officeholder with regard to a pending municipal decision; and

WHEREAS, there is an appearance of undue influence in instances where a lobbyist develops a special relationship with a City Official after working on that official’s election campaign or providing services through a City contract, and then later seeks to influence that City Official with regard to a pending municipal decision; and

WHEREAS, there is an appearance of undue influence in instances where a lobbyist gives gifts to a City Official, and then later seeks to influence that official with regard to a pending municipal decision; and

WHEREAS, requiring additional disclosures and imposing stricter gift limits by the individuals and entities that engage in lobbying activities will promote transparency with regard to activities directly and indirectly related to lobbying, reduce the potential for lobbyists to exert

improper influence over City Officials, reinforce public trust in the integrity of local government, and reduce corruption or the appearance of corruption in the lobbying arena; and

WHEREAS, the Ethics Commission, after a year and a half of public workshops on the subject of clarifying and strengthening the Municipal Lobbying Ordinance, has proposed to the City Council a number of amendments to the Ordinance that will impose clear and unambiguous registration and disclosure requirements, provide the public with additional relevant information regarding compensated efforts to influence municipal decisions, and make numerous other changes designed to improve the Ordinance, while still protecting the First Amendment rights of those who seek to influence municipal decisions; and

WHEREAS, the City Council concurs with the proposals recommended by the Ethics Commission; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That Chapter 2, Article 7, Division 40 of the San Diego Municipal Code is hereby amended by retitling and amending section 27.4001 to read as follows:

§27.4001 Purpose and Intent

It is the purpose and intent of the City Council of the City of San Diego in enacting this division to: ensure that the citizens of the City of San Diego have access to information about persons who attempt to influence decisions of City government through the use of paid lobbyists; establish clear and unambiguous registration and disclosure requirements for lobbyists in order to provide the public with relevant information regarding the financing of lobbyists and the full range of lobbying activities; prohibit registered lobbyists from exerting improper influence over City Officials or from placing City Officials under personal obligation to lobbyists or their clients; promote transparency concerning attempts to influence municipal decisions; avoid corruption and the appearance of corruption in the City's decision-

making processes; regulate lobbying activities in a manner that does not discourage or prohibit the exercise of constitutional rights; reinforce public trust in the integrity of local government; and ensure that this division is vigorously enforced.

Section 2. That Chapter 2, Article 7, Division 40 of the San Diego Municipal Code is hereby amended by amending sections 27.4002 and 27.4004 to read as follows:

§27.4002 Definitions

All defined terms in this division appear in italics. Unless the context otherwise indicates, the defined terms have the meanings set forth below.

Activity Expense means any *payment* made to, or on behalf of, any *City Official* or any member of a *City Official's immediate family*, by a *lobbyist*, *lobbying firm*, or *organization lobbyist*. *Activity expenses* include *gifts*, meals, consulting fees, salaries, and any other form of *compensation* to a *City Official* or a *City Official's immediate family*, but do not include campaign contributions.

Agent means a *person* who acts on behalf of any other *person*. *Agent* includes a *person* who acts on behalf of a *lobbyist*.

Candidate means any individual who is holding, or seeking to hold, elective *City* office.

City means the City of San Diego or any of its organizational subdivisions, agencies, offices, or boards.

City Board includes the boards of directors of all *City* agencies, and any board, commission, committee, or task force of the *City* established by action of the *City* Council under authority of the *City* Charter, Municipal Code, or Council resolution,

whose members are required to file a statement of economic interests pursuant to the California Political Reform Act of 1974, as amended.

City Official means any of the following officers or employees of the *City*, which includes all *City* agencies: elected officeholder; Council staff member; Council Committee Consultant; Assistant City Attorney; Deputy City Attorney; General Counsel; Chief; Assistant Chief; Deputy Chief; Assistant Deputy Chief; City Manager; Assistant City Manager; Deputy City Manager; Treasurer; Auditor and Comptroller; Independent Budget Analyst; City Clerk; Labor Relations Manager; Retirement Administrator; Director; Assistant Director; Deputy Director; Assistant Deputy Director; Chief Executive Officer; Chief Operating Officer; Chief Financial Officer; President; and Vice-President. *City Official* also means any member of a *City Board*.

Client means any *person* who provides *compensation* to a *lobbying firm* for the purpose of *influencing a municipal decision*, and any *person* on whose behalf *lobbying activities* are performed by a *lobbying firm*.

- (a) *Client* includes any *person* that retains a *lobbying firm* to engage in *lobbying activities* pursuant to a contingency agreement.
- (b) If a coalition or membership organization is a *client*, a member of that coalition or organization is not also a *client* unless that member paid, or agreed to pay, at least \$1,000 to the *lobbying firm* for *lobbying activities* performed on behalf of the coalition or organization with regard to a specific *municipal decision*. For purposes of this subsection, if a member is an individual, payments by that individual's *immediate family* are attributable to that individual member.

Compensation means any economic consideration for services rendered or to be rendered. *Compensation* does not include reimbursement for *travel expenses*.

Contact means the act of engaging in a *direct communication* with a *City Official* for the purpose of *influencing a municipal decision*. For purposes of this definition:

- (a) each discussion with a *City Official* regarding a different *municipal decision* is considered a separate *contact*;
- (b) each discussion regarding a *municipal decision* with a *City Official* and members of that official's immediate staff, or with multiple immediate staff members of the same *City Official*, is considered a separate *contact*;
- (c) each substantially similar communication, regardless of whether it is made by letter, e-mail, or facsimile, pertaining to one or more *municipal decisions* to one or more *City Officials* is considered a separate *contact* for each *municipal decision*.

Direct communication means:

- (a) talking to (either by telephone or in person); or
- (b) corresponding with (either in writing or by electronic transmission or facsimile machine).

Enforcement Authority means the City of San Diego Ethics Commission. Nothing in this article limits the authority of the City Attorney, any law enforcement agency, or any prosecuting attorney to enforce the provisions of this article under any circumstances where the City Attorney, law enforcement agency, or prosecuting attorney otherwise has lawful authority to do so.

Expenditure lobbyist means any *person* who makes expenditures for public relations, media relations, advertising, public outreach, research, investigation, reports, analyses, studies, or similar activities designed to influence one or more *municipal decisions*, to the extent that such *payments* total \$5,000 or more within a calendar quarter. An expenditure is made on the date a *payment* is made or on the date consideration, if any, is received by the *expenditure lobbyist*, whichever is earlier. Expenditures for *lobbying activities* reported by a *lobbying firm* or *organization lobbyist* on a quarterly disclosure report shall not be considered for purposes of calculating the \$5,000 threshold.

Fundraising activity means soliciting, or directing others to solicit, campaign contributions from one or more contributors, either personally or by hosting or sponsoring a fundraising event, and either (a) personally delivering \$1,000 or more in contributions to a *candidate* or to a *candidate's* controlled committee, or (b) identifying oneself to a *candidate* or a *candidate's* controlled committee as having any degree of responsibility for \$1,000 or more in contributions received as a result of that solicitation.

Gift means any *payment* that confers a personal benefit on the recipient, to the extent that consideration of equal or greater value is not received and includes a rebate or discount in the price of anything of value unless the rebate or discount is made in the regular course of business to members of the public. Any *person*, other than a defendant in a criminal action, who claims that a *payment* is not a *gift* by reason of receipt of consideration has the burden of proving that the consideration received, is of equal or greater value. *Gifts* are subject to the exceptions set forth in Municipal Code section 27.3525.

Immediate family means an individual's spouse or registered domestic partner, and any dependent children.

Influencing a municipal decision means affecting or attempting to affect any action by a *City Official* on one or more *municipal decisions* by any method, including promoting, supporting, opposing, or seeking to modify or delay such action.

Influencing a municipal decision also includes providing information, statistics, analysis, or studies to a *City Official*.

Lobbying means *direct communication* with a *City Official* for the purpose of *influencing a municipal decision* on behalf of any other *person*.

Lobbying activities means the following and similar activities that are related to an attempt to *influence a municipal decision*: (a) *lobbying*; (b) monitoring *municipal decisions*; (c) preparing testimony and presentations; (d) engaging in research, investigation, and fact-gathering; (e) attending hearings; (f) communicating with clients; and (g) waiting to meet with *City Officials*.

Lobbying entity means any *lobbying firm*, *organization lobbyist*, or *expenditure lobbyist*.

Lobbying firm means any entity that receives or becomes entitled to receive any amount of monetary or in-kind *compensation* to engage in *lobbying activities* on behalf of any other *person*, and that has at least one *direct communication* with a *City Official* for the purpose of *influencing a municipal decision*. A *lobbying firm* includes any entity that engages in *lobbying activities* on behalf of another *person* pursuant to a contingency fee agreement.

Lobbyist means any individual who engages in *lobbying activities* on behalf of a *client* or an *organization lobbyist*.

Ministerial action means any action that does not require a *City Official* to exercise discretion concerning any outcome or course of action. A *ministerial action* includes, but is not limited to, decisions on private land development made pursuant to Process 1 as described in Chapter 11 of the Municipal Code.

Municipal decision includes:

- (a) the drafting, introduction, consideration, reconsideration, adoption, defeat, or repeal of any ordinance or resolution; and
- (b) the amendment of any ordinance or resolution; and
- (c) a report by a *City Official* to the *City Council* or a *City Council Committee*; and
- (d) contracts; and
- (e) quasi-judicial decisions, including:
 - (1) any decision on a land development permit, map or other matter decided pursuant to Process 2 through 5 as described in Chapter 11 of this Municipal Code; and
 - (2) any grant of, denial of, modification to, or revocation of a permit or license under Chapter 1 through 10 of this Municipal Code; and
 - (3) any declaration of debarment as described in Chapter 2, Article 2, Division 8, of this Municipal Code; and
- (f) any other decision of the *City Council* or a *City Board*.

Organization lobbyist means any business or organization, including any non-profit entity, that provides *compensation* to one or more employees who have a total of 10 or more separate *contacts* with one or more *City Officials* within 60 consecutive calendar days for purposes of *lobbying* on behalf of the business or organization.

An employee of any parent or subsidiary of the business or organization is considered an employee of that entity. "Employees" of an *organization lobbyist* include the owners, officers, and employees of the business or organization.

Payment means a payment, distribution, transfer, loan, advance, deposit, *gift* or other rendering of money, property, services, or anything else of value, whether tangible or intangible.

Person means any individual, business entity, trust, corporation, association, committee, or any other organization or group of *persons* acting in concert.

Public hearing means any meeting as defined by the Ralph M. Brown Act where a public record is kept of who spoke and who was represented by a *lobbyist* testifying at that hearing.

Public official means an elected or appointed officer or employee or officially designated representative, whether compensated or not, of the United States or any of its agencies; the State of California; the *City*; any political subdivision of the State, including counties and districts; or any public corporation, agency, or commission.

Travel expenses means reasonable expenses for transportation plus a reasonable sum for food and lodging.

§27.4004 Exceptions

The following *persons* and activities are exempt from the requirements of this division:

- (a) a *public official* acting in his or her official capacity and any government employee acting within the scope of his or her employment;
- (b) any newspaper or other regularly published periodical, radio station, or television station (including any individual who owns, publishes, or is employed by any such newspaper, periodical, radio station, or television station) that in the ordinary course of business publishes news items, editorials, or other comments or paid advertisements that directly or indirectly urge action on a *municipal decision*, if such newspaper, periodical, radio station, television station, or individual engages in no other activities to *influence a municipal decision*;
- (c) any *person* whose sole activity includes one or more of the following, unless the activity involves *direct communication* with a member of the *City Council* or a member of the *City Council's* immediate staff:
 - (1) to submit a bid on a competitively bid contract;
 - (2) to submit a written response to a request for proposals or qualifications;
 - (3) to participate in an oral interview for a request for proposals or qualifications; or,
 - (4) to negotiate the terms of a contract or agreement with the *City*, once the *City* has authorized either by action of the *City Council*, *City Manager*, or voters, entering an agreement with that *person* whether that *person* has been selected pursuant to a bid, request for proposals or qualifications, or by other means of selection recognized by law.

- (5) to communicate in connection with the administration of an existing contract between the *person* and the *City*.
- (d) any request for advice regarding, or for an interpretation of, laws, regulations, *City* approvals, or policies;
- (e) any communication by an attorney with regard to his or her representation of a party or potential party to pending or actual litigation, or to a pending or actual administrative enforcement proceeding, brought by or against the *City*, or *City* agent, officer, or employee;
- (f) any communication concerning a *ministerial action*;
- (g) any communication concerning the establishment, amendment, administration, implementation, or interpretation of a collective bargaining agreement or memorandum of understanding between the *City* and a recognized employee organization, or concerning a proceeding before the Civil Service Commission;
- (h) any communication concerning management decisions regarding the working conditions of represented employees that clearly relate to the terms of collective bargaining agreements or memoranda of understanding pursuant to (g) above;
- (i) solely responding to questions from any *City Official*, or providing oral or written information in response to a subpoena or as otherwise compelled by law;
- (j) solely appearing as a speaker at, or providing written statements that become part of the record of, a *public hearing*;
- (k) any direct response to an enforcement proceeding with the *City*.

- (l) the provision of purely technical data or analysis to a *City Official* by an expert, so long as the expert does not otherwise engage in *direct communication* for the purpose of *influencing a municipal decision*. This subsection is intended to be interpreted in a manner consistent with title 2, section 18239(d)(3)(A) of the California Code of Regulations.
- (m) the publishing of any information on an Internet website that is accessible to the general public.

Section 3. That Chapter 2, Article 7, Division 40 of the San Diego Municipal Code is hereby amended by repealing section 27.4005.

Section 4. That Chapter 2, Article 7, Division 40 of the San Diego Municipal Code is hereby amended by amending sections 27.4006 and 27.4007 to read as follows:

§27.4006 Activity Expense on Behalf of Client

An *activity expense* shall be considered to be made on behalf of a *client* if the *client* requests, authorizes, or reimburses the expense.

§27.4007 Registration Required

- (a) Every *lobbying firm* and *organization lobbyist* is required to register with the City Clerk no later than ten calendar days after qualifying as a *lobbying firm* or *organization lobbyist*.
- (b) *Lobbying firms* and *organization lobbyists* shall file their registration forms with the City Clerk, using forms provided by the City Clerk.
- (c) Nothing in this division precludes an entity from registering as a *lobbying firm* or *organization lobbyist* prior to qualifying as such.
- (d) An entity that registers as a *lobbying firm* or *organization lobbyist* retains that status through January 5 of the following calendar year unless and until it terminates that status in accordance with section 27.4022. An entity that

continues to qualify as a *lobbying firm* or *organization lobbyist* on January 5 shall renew that registration on or before January 15 of each year.

Section 5. That Chapter 2, Article 7, Division 40 of the San Diego Municipal Code is hereby amended by retitling and amending sections 27.4009 and 27.4010 to read as follows:

§27.4009 Contents of Registration Form

- (a) Every *lobbying firm* shall file with the City Clerk a registration form that contains the following information:
 - (1) the *lobbying firm*'s name, address, and telephone number.
 - (2) the name of each individual employed by the *lobbying firm*:
 - (A) who has engaged in *lobbying* the City within the previous 30 calendar days, or
 - (B) who the *lobbying firm* reasonably anticipates will engage in *lobbying* the City in the future.
 - (3) a listing of all owners, officers, and *lobbyists* of the *lobbying firm* who engaged in *fundraising activities* for a current elected City Official during the two year period preceding the filing date, along with the name of each applicable City Official. Notwithstanding the requirements of this subsection, *lobbying firms* have no obligation to report *fundraising activities* that took place prior to January 1, 2007.
 - (4) a listing of all owners, officers, and *lobbyists* of the *lobbying firm* who personally provided compensated campaign-related services to a current elected City Official during the two year period preceding the filing date, along with the name of each applicable City Official. Notwithstanding the requirements of this subsection, *lobbying firms*

have no obligation to report campaign-related services that were rendered prior to January 1, 2007.

- (5) a listing of all owners, officers, and *lobbyists* of the *lobbying firm* who personally provided compensated services under a contract with the *City* during the two year period preceding the filing date, along with the name of the *City* department, agency, or board for which the services were provided. Notwithstanding the requirements of this subsection, *lobbying firms* have no obligation to report compensated services provided prior to January 1, 2007.
- (6) for each *client* for whom the *lobbying firm* engages in *lobbying activities*:
 - (A) the *client's* name, business or mailing address, and telephone number; in addition, if the *client* is a coalition or membership organization, include the name, business or mailing address, and telephone number of each member who also qualifies as a *client* under section 27.4002.
 - (B) a specific description of each *client* in sufficient detail to inform the public of the nature and purpose of the *client's* business; and,
 - (C) the specific *municipal decision(s)* for which the *lobbying firm* was retained to represent the *client*, or a description of the type(s) of *municipal decision(s)* for which the *lobbying firm* was retained to represent the *client*, and the outcome(s) sought by the *client*;

- (7) statements by a duly authorized owner or officer of the *lobbying firm* that he or she:
 - (A) reviewed and understands the requirements of Division 40 governing municipal lobbying; and,
 - (B) reviewed the contents of the registration form and verified under penalty of perjury that based on personal knowledge or on information and belief, that he or she believes such contents to be true, correct, and complete.
 - (8) the printed name, title, and original signature of the individual making the statements required by subsection (a)(7).
 - (9) any other information required by the *Enforcement Authority* or the *City Clerk* consistent with the purposes and provisions of this division.
- (b) Every *organization lobbyist* shall file with the *City Clerk* a registration form that contains the following information:
- (1) the *organization lobbyist's* name, address, and telephone number.
 - (2) a specific description of the *organization lobbyist* in sufficient detail to inform the public of the nature and purpose of its business.
 - (3) the name of each owner, officer, and employee of the *organization lobbyist* who is authorized to *lobby City Officials* on behalf of the *organization lobbyist*.
 - (4) the total number of *lobbying contacts* with *City Officials* made on behalf of the *organization lobbyist* by the *organization lobbyist's* owners, officers, or employees during the 60 calendar days preceding the filing date.

- (5) a description of each *municipal decision* the *organization lobbyist* has sought to influence during the 60 calendar days preceding the filing date; and the outcome sought by the *organization lobbyist*.
- (6) a listing of all owners, compensated officers, and *lobbyists* of the *organization lobbyist* who engaged in *fundraising activities* for a current elected *City Official* during the two year period preceding the filing date, along with the name of each applicable *City Official*.
Notwithstanding the requirements of this subsection, *organization lobbyists* have no obligation to report *fundraising activities* that took place prior to January 1, 2007.
- (7) a listing of all owners, compensated officers, and *lobbyists* of the *organization lobbyist* who personally provided compensated campaign-related services to a current elected *City Official* during the two year period preceding the filing date, along with the name of each applicable *City Official*. Notwithstanding the requirements of this subsection, *organization lobbyists* have no obligation to report campaign-related services that were rendered prior to January 1, 2007.
- (8) a listing of all owners, compensated officers, and *lobbyists* of the *organization lobbyist* who personally provided compensated services under a contract with the *City* during the two year period preceding the filing date, along with the name of the *City* department, agency, or board for which the services were provided. Notwithstanding the requirements of this subsection, *organization lobbyists* have no

obligation to report compensated services provided prior to January 1, 2007.

- (9) statements by a duly authorized owner or officer of the *organization lobbyist* that he or she:
 - (A) reviewed and understands the requirements of Division 40 governing municipal lobbying; and,
 - (B) reviewed the contents of the registration form and verified under penalty of perjury that based on personal knowledge or on information and belief, that he or she believes such contents to be true, correct, and complete.
- (10) the printed name, title, and original signature of the individual making the statements required by subsection (b)(9).
- (11) any other information required by the *Enforcement Authority* or the *City Clerk* consistent with the purposes and provisions of this division.

§27.4010 Registration Fees

- (a) At the time a *lobbying firm* registers pursuant to section 27.4007, the *lobbying firm* shall pay an annual registration fee based on the number of *lobbyists* identified on its registration form, plus an annual *client* registration fee for each *client* identified on the registration form.
 - (1) A *lobbying firm* that initially qualifies to register during the last quarter of a calendar year (October through December) pursuant to section 27.4007 shall pay prorated registration fees.
 - (2) When a *lobbying firm* adds a *lobbyist* subsequent to the *lobbying firm's* initial registration, the *lobbying firm* shall pay an additional

lobbyist registration fee when filing its amended registration form as required by section 27.4012.

- (3) When a *lobbying firm* acquires a *client* subsequent to the *lobbying firm's* initial registration, the *lobbying firm* shall pay an additional *client* registration fee when filing its amended registration form as required by section 27.4012.
 - (4) For the purpose of determining *client* registration fees, a coalition or membership organization shall be considered a single *client*, even if one or more of its members also qualify as *clients* under section 27.4002.
 - (5) Registration fees may be paid or reimbursed by a *client*.
- (b) At the time an *organization lobbyist* registers pursuant to section 27.4007, the *organization lobbyist* shall pay an annual *organization lobbyist* registration fee.
- (1) An *organization lobbyist* that initially qualifies to register during the last quarter of a calendar year (October through December) pursuant to section 27.4007 shall pay a prorated registration fee.
 - (2) An *organization lobbyist* shall pay a single registration fee regardless of the number of its owners, officers, and employees who engage in *lobbying activities*.
- (c) All registration fees shall be set by the *City Council* based upon the recommendation of the *City Clerk*. The *City Clerk* shall from time to time recommend fee amounts to the *City Council* that reflect, but do not exceed, the *City's* costs of administering the filing requirements set forth in this

division. A copy of the fee schedule shall be filed in the rate book of fees on file in the office of the *City* Clerk.

Section 6. That Chapter 2, Article 7, Division 40 of the San Diego Municipal Code is hereby amended by amending section 27.4012 to read as follows:

§27.4012 Amendments to Registration Form

Within ten calendar days of any change in the information required on their registration forms, *lobbying firms* and *organization lobbyists* shall file amendments to their registration forms, disclosing the change in information.

Section 7. That Chapter 2, Article 7, Division 40 of the San Diego Municipal Code is hereby amended by repealing sections 27.4013 and 27.4014.

Section 8. That Chapter 2, Article 7, Division 40 of the San Diego Municipal Code is hereby amended by amending sections 27.4015 and 27.4016 to read as follows:

§27.4015 Quarterly Disclosure Report Required

- (a) *Lobbying firms* and *organization lobbyists* shall file quarterly disclosure reports for every calendar quarter during which they retain their status as a *lobbying firm* or *organization lobbyist*.
- (b) *Expenditure lobbyists* shall file quarterly disclosure reports for every calendar quarter in which they qualify as *expenditure lobbyists*. An entity has no filing obligations as an *expenditure lobbyist* for any calendar quarter in which it does not meet the definition of an *expenditure lobbyist*.
- (c) Each *lobbying entity* shall file its quarterly disclosure report with the *City* Clerk, using forms provided by the *City* Clerk.

§27.4016 Filing Deadline for Quarterly Disclosure Report

Lobbying entities shall file quarterly disclosure reports no later than the last day of the months of April, July, October, and January. *Lobbying entities* shall disclose the

information required by section 27.4017 for the calendar quarter immediately prior to the month in which the report is required to be filed.

Section 9. That Chapter 2, Article 7, Division 40 of the San Diego Municipal Code is hereby amended by retitling and amending section 27.4017 to read as follows:

§27.4017 Contents of Quarterly Disclosure Report

- (a) Each *lobbying firm*'s quarterly disclosure report shall contain the following information:
 - (1) the *lobbying firm*'s name, address, and telephone number.
 - (2) the name, business or mailing address, and telephone number of each *client* represented by the *lobbying firm* during the reporting period (except that if the *client* is a coalition or membership organization, such identifying information need not be disclosed for any of its members who also qualify as *clients* under section 27.4002), along with the following information for that *client*:
 - (A) the specific *municipal decision(s)* for which the *lobbying firm* represented the *client* during the reporting period, and the outcome(s) sought by the *client*;
 - (B) the name and department of each *City Official* who was subject to *lobbying* by the *lobbying firm* with regard to that specific *municipal decision*;
 - (C) the name of each *lobbyist* employed by the *lobbying firm* who engaged in *lobbying activities* with regard to that specific *municipal decision*; and,
 - (D) the total *compensation* that the *lobbying firm* became entitled to receive for engaging in *lobbying activities* during the

reporting period on behalf of that *client*. Such *compensation* shall be disclosed to the nearest thousand dollars.

- (3) an itemization of *activity expenses* that includes the following:
 - (A) the date, amount, and description of any *activity expense* that exceeds \$10 on any single occasion made by the *lobbying firm* or any of its *lobbyists* during the reporting period for the benefit of a single *City Official* or any member of a *City Official's immediate family*;
 - (B) the name, title, and department of the *City Official* who benefited, or whose *immediate family* benefited, from the itemized *activity expense*;
 - (C) the name of each *lobbyist* who participated in making the *activity expense*;
 - (D) the name and address of the payee of each itemized *activity expense*; and,
 - (E) the name of the *client*, if any, on whose behalf each itemized *activity expense* was made.
- (4) an itemization of any campaign contributions of \$100 or more made by owners, officers, or *lobbyists* of the *lobbying firm* to a *candidate* or a *candidate-controlled* committee during the reporting period, including the date and amount of the contribution and the name of the *candidate* supported.
- (5) an itemization of any campaign contributions of \$100 or more made by the *lobbying firm* or any of its owners, officers, or *lobbyists* during the reporting period to a *candidate-controlled* committee that

is organized to support or oppose a ballot measure, including the name of the *candidate*, the date and amount of the contribution, and the name of the ballot measure committee.

- (6) for each instance of *fundraising activity* by an owner, officer, or *lobbyist* of the *lobbying firm* during the reporting period:
 - (A) the name of the owner, officer, or *lobbyist* who engaged in the *fundraising activity*;
 - (B) the name of the elected *City Official* or *candidate* benefiting from the *fundraising activity*;
 - (C) a description of the ballot measure, if any;
 - (D) the date(s) of the *fundraising activity*;
 - (E) a brief description of the *fundraising activity*; and
 - (F) the approximate amount of (i) all contributions personally delivered by the owner, officer, or *lobbyist* to a *candidate* or a *candidate's* controlled committee; and (ii) all contributions for which the owner, officer, or *lobbyist* has identified himself or herself to a *candidate* or a *candidate's* controlled committee as having some degree of responsibility for raising.
- (7) for each owner, officer, and *lobbyist* of the *lobbying firm* who personally provided compensated campaign-related services to a *candidate* or a *candidate-controlled* committee during the reporting period:
 - (A) the name of the owner, officer, or *lobbyist* who provided the services;

- (B) the *candidate's* name, and the office sought by that *candidate*;
 - (C) the name of the *candidate*-controlled ballot measure committee and a description of the ballot measure, if applicable;
 - (D) the approximate amount of *compensation* earned during the reporting period for the services provided to the *candidate* or *candidate*-controlled committee; and,
 - (E) a description of the services provided.
- (8) for each owner, officer, and *lobbyist* of the *lobbying firm* who personally provided compensated services under a contract with the *City* during the reporting period:
- (A) the name of the owner, officer, or *lobbyist* who provided the services;
 - (B) the name of the department, agency, or board for which the services were provided;
 - (C) the approximate amount of *compensation* earned during the reporting period for the services provided under the contract; and,
 - (D) a description of the services provided.
- (9) a statement by a duly authorized owner or officer of the *lobbying firm* that he or she has reviewed the contents of the quarterly disclosure report and verified under penalty of perjury that based on personal knowledge or on information and belief, that he or she believes such contents to be true, correct, and complete.

- (10) the printed name, title, and original signature of the individual making the statement required by subsection (a)(9).
 - (11) any other information required by the *Enforcement Authority* or the *City Clerk* consistent with the purposes and provisions of this division.
- (b) Each *organization lobbyist's* quarterly disclosure report shall contain the following information:
- (1) the *organization lobbyist's* full name, address, and telephone number.
 - (2) for each *municipal decision(s)* for which the *organization lobbyist* engaged in *lobbying activities* during the reporting period:
 - (A) a description of the specific *municipal decision*, and the outcome sought by the *organization lobbyist*;
 - (B) the name and department of each *City Official* who was subject to *lobbying* by the *organization lobbyist* during the reporting period with regard to that specific *municipal decision*; and,
 - (C) the name of each owner, officer, or employee of the *organization lobbyist* who engaged in *lobbying activities* during the reporting period with regard to that specific *municipal decision*.
 - (D) the total number of *lobbying contacts* with *City Officials* made on behalf of the *organization lobbyist* by the *organization lobbyist's* owners, officers, or employees with

regard to that specific *municipal decision* during the reporting period.

- (3) an itemization of *activity expenses* that includes the following:
 - (A) the date, amount, and description of any *activity expense* that exceeds \$10 on any single occasion made by the *organization lobbyist* or any of its *lobbyists* during the reporting period for the benefit of a single *City Official* or any member of a *City Official's immediate family*;
 - (B) the name, title, and department of the *City Official* who benefited, or whose *immediate family* benefited, from the itemized *activity expense*;
 - (C) the name of each *lobbyist* who participated in making the *activity expense*; and,
 - (D) the name and address of the payee of each itemized *activity expense*.
- (4) an itemization of any campaign contributions of \$100 or more made by owners, compensated officers, or *lobbyists* of the *organization lobbyist* to a *candidate* or a *candidate-controlled* committee during the reporting period, including the date and amount of the contribution and the name of the *candidate* supported.
- (5) an itemization of any campaign contributions of \$100 or more made by the *organization lobbyist* or any of its owners, compensated officers, or *lobbyists* during the reporting period to a *candidate-controlled* committee that is organized to support or oppose a ballot

measure, including the date and amount of the contribution and the name of the ballot measure committee.

- (6) for each instance of *fundraising activity* by an owner, compensated officer, or *lobbyist* of the *organization lobbyist* during the reporting period:

- (A) the name of the owner, officer, or *lobbyist* who engaged in the *fundraising activity*;
- (B) the name of the elected *City Official* or *candidate* benefiting from the *fundraising activity*;
- (C) a description of the ballot measure, if any;
- (D) the date(s) of the *fundraising activity*;
- (E) a brief description of the *fundraising activity*; and
- (F) the approximate amount of (i) all contributions personally delivered by the owner, officer, or *lobbyist* to a *candidate* or a *candidate's* controlled committee; and (ii) all contributions for which the owner, officer, or *lobbyist* has identified himself or herself to a *candidate* or a *candidate's* controlled committee as having some degree of responsibility for raising.

- (7) for each owner, compensated officer, and *lobbyist* of the *organization lobbyist* who personally provided compensated campaign-related services to a *candidate* or a *candidate-controlled* committee during the reporting period:

- (A) the name of the owner, officer, or *lobbyist* who provided the services;

- (B) the *candidate's* name, and the office sought by that *candidate*;
 - (C) the name of the *candidate*-controlled ballot measure committee and a description of the ballot measure, if applicable;
 - (D) the approximate amount of *compensation* earned during the reporting period for the services provided to the *candidate* or *candidate*-controlled committee; and,
 - (E) a description of the services provided.
- (8) for each owner, compensated officer, and *lobbyist* of the *organization lobbyist* who personally provided compensated services under a contract with the *City* during the reporting period:
- (A) the name of the owner, officer, or *lobbyist* who provided the services;
 - (B) the name of the department, agency, or board for which the services were provided;
 - (C) the approximate amount of *compensation* earned during the reporting period for the services provided under the contract; and,
 - (D) a description of the services provided.
- (9) a statement by a duly authorized owner or officer of the *organization lobbyist* that he or she has reviewed the contents of the quarterly disclosure report and verified under penalty of perjury that based on personal knowledge or on information and belief, that he or she believes such contents to be true, correct, and complete.

- (10) the printed name, title, and original signature of the individual making the statement required by subsection (b)(9).
 - (11) any other information required by the *Enforcement Authority* or the *City Clerk* consistent with the purposes and provisions of this division.
- (c) An *expenditure lobbyist's* quarterly disclosure report shall contain the following information:
- (1) The name, address, and telephone number of the *expenditure lobbyist*.
 - (2) The name, title, address, and telephone number of the individual responsible for preparing the report.
 - (3) A description of each *municipal decision* that the *expenditure lobbyist* attempted to influence during the reporting period, and for each such *municipal decision*:
 - (A) The total expenditures the *expenditure lobbyist* made during the reporting period for the purpose of attempting to influence that *municipal decision*. An expenditure is made on the date a *payment* is made or on the date consideration, if any, is received by the *expenditure lobbyist*, whichever is earlier. An *expenditure lobbyist* need not disclose expenditures for *lobbying activities* reported by a *lobbying firm* or *organization lobbyist* on a quarterly disclosure report.
 - (B) The name, address, telephone number, and amount of *payment* for each *person* who made a *payment*, or the promise of a *payment*, of \$100 or more to the *expenditure*

lobbyist for the express purpose of funding any expenditure identified in subsection (c)(3)(A).

- (C) The outcome sought by the *expenditure lobbyist*.
- (4) a statement by a duly authorized owner or officer of the *expenditure lobbyist* that he or she has reviewed the contents of the quarterly disclosure report and verified under penalty of perjury that based on personal knowledge or on information and belief, that he or she believes such contents to be true, correct, and complete.
- (5) the printed name, title, and original signature of the individual making the statement required by subsection (c)(4).
- (6) any other information required by the *Enforcement Authority* or the *City Clerk* consistent with the purposes and provisions of this division.

Section 10. That Chapter 2, Article 7, Division 40 of the San Diego Municipal Code is hereby amended by adding new section 27.4018 to read as follows:

§27.4018 Amendments to Quarterly Disclosure Reports

Any *lobbying entity* that discovers incomplete or inaccurate information in a quarterly disclosure report that it filed with the *City Clerk* shall, within ten calendar days of the discovery, file an amended quarterly disclosure report with the *City Clerk* disclosing all information necessary to make the report complete and accurate.

Section 11. That Chapter 2, Article 7, Division 40 of the San Diego Municipal Code is hereby amended by retitling, amending, and renumbering previous section 27.4018 to section 27.4019, to read as follows:

Retention of Records

In addition to any other requirement of this division, every *lobbying entity* shall retain for a period of five years all books, papers, and documents necessary to substantiate the quarterly disclosure reports required to be made under this division.

Section 12. That Chapter 2, Article 7, Division 40 of the San Diego Municipal Code is hereby amended by repealing sections 27.4020 and 27.4021.

Section 13. That Chapter 2, Article 7, Division 40 of the San Diego Municipal Code is hereby amended by retitling and amending sections 27.4022, 27.4023, and 27.4024 to read as follows:

§27.4022 Termination of Status as Lobbying Firm or Organization Lobbyist

A *lobbying firm* or *organization lobbyist* that ceases being a *lobbying entity* shall notify the *City Clerk* of this status upon the quarterly disclosure report form provided by the *City Clerk*. Upon terminating, the *lobbying firm* or *organization lobbyist* shall report any information required by section 27.4017 that has not been reported since its last quarterly disclosure report.

§27.4023 Obligations of Individual Lobbyists

Every *lobbyist* shall:

- (a) disclose his or her status as a *lobbyist* to a *City Official* before making any *activity expense* to, or for the benefit of, that *City Official* or that *City Official's immediate family*;
- (b) abstain from doing any act with the purpose or intent of placing a *City Official* under personal obligation to the *lobbyist*, or to the *lobbyist's employer* or *client*;
- (c) correct, in writing, any misinformation given to a *City Official*, specifying the nature of the misinformation;

- (d) not deceive or attempt to deceive a *City Official* as to any material fact pertinent to any pending or proposed *municipal decision*;
- (e) not cause any communication to be sent to a *City Official* in the name of any fictitious *person*, or in the name of any real *person* without the consent of such real *person*; and,
- (f) not attempt to evade the obligations in this section through indirect efforts or through the use of *agents*, associates, or employees.

§27.4024 Employment of City Official or Employee by Lobbying Entity

If any *lobbying entity* employs or retains a current *City Official* or *City* employee, or any member of that official's or employee's *immediate family*, that *lobbying entity* shall file a written statement with the *City* Clerk within ten calendar days after such employment commences. This statement shall set forth the name of the individual employed, the date the individual was first employed by the *lobbying entity*, and the individual's position, title, and department in the *City*.

Section 14. That Chapter 2, Article 7, Division 40 of the San Diego Municipal Code is hereby amended by adding section 27.4030 to read as follows:

§27.4030 Gifts from Lobbying Entities and Lobbyists

- (a) It is unlawful for a *lobbying firm* or any of its *lobbyists* to make a *gift*, act as an *agent* or intermediary in the making of a *gift*, or arrange for the making of a *gift* if:
 - (1) the *gift* is given to a *City Official*, and
 - (2) the aggregate value of all *gifts* from the *lobbying firm* and its *lobbyists* to that *City Official* exceeds \$10 within a calendar month.

- (b) It is unlawful for a *organization lobbyist* or any of its *lobbyists* to make a *gift*, act as an *agent* or intermediary in the making of a *gift*, or arrange for the making of a *gift* if:
- (1) the *gift* is given to a *City Official*, and
 - (2) the aggregate value of all *gifts* from the *organization lobbyist* and its *lobbyists* to that *City Official* exceeds \$10 within a calendar month.
- (c) For purposes of this section, an entity or individual “arranges for the making of a *gift*” if the entity or individual, either directly or through an *agent*, does any of the following:
- (1) delivers a *gift* to the recipient;
 - (2) acts as the representative of the donor, if the donor is not present at the occasion of a *gift*, except when accompanying the recipient to an event where the donor will be present;
 - (3) invites or sends an invitation to an intended recipient regarding the occasion of a *gift*;
 - (4) solicits responses from an intended recipient concerning his or her attendance or nonattendance at the occasion of a *gift*;
 - (5) is designated as the representative of the donor to receive responses from an intended recipient concerning his or her attendance or nonattendance at the occasion of a *gift*; or,
 - (6) acts as an intermediary in connection with the reimbursement of a recipient's expenses.

Section 15. That Chapter 2, Article 7, Division 40 of the San Diego Municipal Code is hereby amended by amending and renumbering section 27.4025 to section 27.4040, to read as follows:

§27.4040 Powers and Duties of the City Clerk

- (a) Upon receipt of a written request, the *City Clerk* may issue a notice of filing obligations to any *person* whom a *City Official* or any other *person* has reason to believe should file a registration form or quarterly disclosure report under this division. Before sending the notice, the Clerk:
 - (1) shall require the *City Official* or *person* making the request to provide a written statement of the factual basis for the belief; and,
 - (2) shall determine whether sufficient facts exist to warrant sending the notice.
- (b) Any *person* who in good faith and on reasonable grounds believes that he, she, or it is not required to comply with the provisions of sections 27.4007 or 27.4015 by reason of being exempt under any provision of this division shall not be deemed to have violated the provisions of these sections if, within ten calendar days after the *City Clerk* has sent specific written notice, the *person* either complies with the requirements of this division, or furnishes satisfactory evidence to the Clerk that he, she, or it is exempt from filing obligations.
- (c) As soon as practicable after the close of each quarter, the *City Clerk* shall complete a summary of the information contained in registration forms and quarterly disclosure reports required to be filed under the provisions of this division. This summary shall be forwarded to the Mayor, City Council, and the *Enforcement Authority*.
- (d) The *City Clerk* shall preserve all registration forms and quarterly disclosure reports required to be filed under this division for a period of five years from the date of filing. These registration forms and quarterly disclosure reports

shall constitute part of the public records of the Clerk's office, and shall be open to public inspection. Copies shall be made available by the Clerk upon request and payment of any lawful copy charges.

- (e) The *City* Clerk shall report apparent violations of this division to the *Enforcement Authority*.
- (f) The *City* Clerk shall have the power to adopt all reasonable and necessary procedures to implement this division.

Section 16. That Chapter 2, Article 7, Division 40 of the San Diego Municipal Code is hereby amended by amending and renumbering section 27.4026 to section 27.4041, to read as follows:

§27.4041 Inspection of Forms and Reports

- (a) The *City* Clerk shall inspect, or cause to be inspected, each registration form and quarterly disclosure report filed under this division within thirty calendar days after the filing deadline. The Clerk shall notify an entity to file a registration form or quarterly disclosure report under this division if it appears that the entity has failed to file as required by law or that the registration form or quarterly disclosure report filed by the entity does not conform to law.
- (b) Any entity notified to file an original or amended registration form or quarterly disclosure report shall file the form or report by the deadline imposed in the notification from the Clerk.

Section 17. That Chapter 2, Article 7, Division 40 of the San Diego Municipal Code is hereby amended by adding section 27.4045 to read as follows:

- (a) It is the intent of the *City* to implement an electronic filing system that facilitates the disclosure of *lobbying activities* engaged in by *lobbying entities*. When a practical and financially feasible electronic filing system has been implemented by the *City Clerk*, the provisions of this section shall be in effect.
- (b) Every *lobbying entity* required to file a registration form or quarterly disclosure report pursuant to this division shall use the *City Clerk's* electronic filing system to file online such forms or reports.
- (c) Every *lobbying entity* shall continue to file a paper copy of each form or report with the *City Clerk*. The paper copy shall continue to be the original form or report for audit and other legal purposes.
- (d) The information contained on a form or report filed online shall be the same as that contained on the paper copy of the same form or report that is filed with the *City Clerk*.

Section 18. That Chapter 2, Article 7, Division 40 of the San Diego Municipal Code is hereby amended by amending and renumbering section 27.4027 to section 27.4050, to read as follows:

Enforcement Authority: Duties, Complaints, Legal Action, Investigatory Powers

- (a) Any *person* who believes that violation of any portion of this division has occurred may file a complaint with the *Enforcement Authority*.
- (b) The *Enforcement Authority* shall have such investigative powers as are necessary for the performance of the duties prescribed in this division. The *Enforcement Authority* may demand and shall be furnished any records that

may prove or disprove the accuracy of information contained in a registration form or quarterly disclosure report. In the event that there is a claim that any such records are entitled to protection from disclosure under the attorney-client privilege, the *Enforcement Authority* shall be provided with sufficient documentation to verify the information to which the *City* is entitled under California Business and Professions Code section 6009.

- (c) The *Enforcement Authority* shall determine whether forms and reports have been filed as required and, if so, whether they conform to the requirements of this division.
- (d) The *Enforcement Authority* may elect to enforce the provision of this division administratively pursuant to Chapter 2, Article 6, Division 4, or may otherwise recommend or refer enforcement actions to the City Attorney or other law enforcement agency with jurisdiction.

Section 19. That Chapter 2, Article 7, Division 40 of the San Diego Municipal Code is hereby amended by amending and renumbering section 27.4028 to section 27.4055, to read as follows:

§27.4055 Violations, Penalties and Defenses

- (a) Violations of this division may be prosecuted as misdemeanors subject to the fines and custody provided in San Diego Municipal Code section 12.0201. The *City* may also seek injunctive relief and civil penalties in the Superior Court pursuant to Municipal Code section 12.0202. In addition, if the matter is pursued by the *Enforcement Authority* as an administrative matter, any *person* found in violation is subject to the administrative penalties provided for in Chapter 2, Article 6, Division 4.

- (b) In addition to any other penalty or remedy available, if any lobbying entity fails to file any registration form or quarterly disclosure report required by this division after any deadline imposed by this division, that lobbying entity shall be liable to the *City* of San Diego in the amount of \$10 per calendar day after the deadline until the report is filed, up to a maximum amount of \$100.
- (c) Provisions of this division need not be enforced by the *City* Clerk if it is determined that the late filing was not willful and that enforcement of the penalty would not further the purposes of this division.
- (d) Provisions of this division shall not be waived if a registration form or quarterly disclosure report, or an amendment to correct any deficiency in a registration form or quarterly disclosure report, is not filed by the deadline imposed in the notification from the *City* Clerk of the filing requirement.
- (e) Any limitation of time prescribed by law within which prosecution for a violation of any part of this division must be commenced shall not begin to run until the *City*'s discovery of the violation.

Section 20. That Chapter 2, Article 7, Division 35 of the San Diego Municipal Code is hereby amended by amending sections 27.3503, as follows:

§27.3503 Definitions

Each word or phrase that is defined in this Division appears in the text of this Division in italicized letters. Except as otherwise provided herein, the terms and provisions of this Division shall have the meanings and shall be interpreted in accordance with the applicable definitions and provisions of the Political Reform Act of 1974, as amended (California Government Code sections 81000 through

91014) and the regulations of the California Fair Political Practices Commission, as amended. For purposes of this Division, the following definitions shall apply:

Benefit through Influencing a municipal decision [No change in text]

Loan through Lobbying [No change in text]

Lobbying firm means any entity defined as a “lobbying firm” in San Diego Municipal Code section 27.4002.

Lobbyist means any individual defined as a “lobbyist” in San Diego Municipal Code section 27.4002.

Local Code Filer through Municipal Decision [No change in text]

Organization lobbyist means any entity defined as an “organization lobbyist” in San Diego Municipal Code section 27.4002.

Party through Public Hearing [No change in text]

Restricted source includes:

- (a) a lobbyist, lobbying firm, or organization lobbyist, seeking to influence a municipal decision;
- (b) a person doing business with the City; and
- (c) a person who, during the reporting period, directly communicated with a City Official pertaining to a municipal decision which would have a material financial effect on such person; or

- d) a *person* who is a party to a *municipal decision* which within the prior nine months was pending before the *City Official*, and for nine months following the date a final decision is rendered in the proceeding.

A *restricted source* does not include an individual (other than a *lobbyist*) who is employed by a *restricted source*.

Travel expenses [No change in text]

Section 21. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been available to the City Council and the public prior to the day of its passage.

Section 22. That this ordinance shall take effect and be in force on January 1, 2008.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By

Catherine M. Bradley
Chief Deputy City Attorney

CMB:als
6/27/07
Or.Dept:Ethics
O-2007-137

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I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego,
at its meeting of _____.

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: _____
(date)

JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~NEW LANGUAGE: Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 7, DIVISION 40 OF THE SAN DIEGO MUNICIPAL CODE BY RETITLING AND AMENDING SECTION 27.4001; AMENDING SECTIONS 27.4002 AND 27.4004; REPEALING SECTION 27.4005; AMENDING SECTIONS 27.4006 AND 27.4007; RETITLING AND AMENDING SECTIONS 27.4009 AND 27.4010; AMENDING SECTION 27.4012; REPEALING SECTIONS 27.4013 AND 27.4014; AMENDING SECTIONS 27.4015 AND 27.4016; RETITLING AND AMENDING SECTION 27.4017; ADDING NEW SECTION 27.4018; RETITLING, AMENDING, AND RENUMBERING PREVIOUS SECTION 27.4018 TO SECTION 27.4019; REPEALING SECTIONS 27.4020 AND 27.4021; RETITLING AND AMENDING SECTIONS 27.4022, 27.4023, AND 27.4024; ADDING SECTION 27.4030; AMENDING AND RENUMBERING SECTION 27.4025 TO SECTION 27.4040; AMENDING AND RENUMBERING SECTION 27.4026 TO SECTION 27.4041; ADDING SECTION 27.4045; AMENDING AND RENUMBERING SECTION 27.4027 TO SECTION 27.4050; AMENDING AND RENUMBERING SECTION 27.4028 TO SECTION 27.4055; AND AMENDING CHAPTER 2, ARTICLE 7, DIVISION 35 BY AMENDING SECTION 27.3503, ALL RELATING TO THE CITY OF SAN DIEGO MUNICIPAL LOBBYING ORDINANCE

§27.4001 **Purpose and Intent**

~~The purpose of this division is to provide registration and disclosure requirements whereby individuals acting as *Municipal Lobbyists* are required to register with the City. The purpose of registration is to require *Lobbyists* to provide sufficient information so that complete disclosure of principals and *Clients* they represent may become public information for the benefit of the City Council and the general~~

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~~public. This division is not intended to discourage or prohibit the exercise of constitutional rights.~~

It is the purpose and intent of the City Council of the City of San Diego in enacting this division to: ensure that the citizens of the City of San Diego have access to information about persons who attempt to influence decisions of City government through the use of paid lobbyists; establish clear and unambiguous registration and disclosure requirements for lobbyists in order to provide the public with relevant information regarding the financing of lobbyists and the full range of lobbying activities; prohibit registered lobbyists from exerting improper influence over City Officials or from placing City Officials under personal obligation to lobbyists or their clients; promote transparency concerning attempts to influence municipal decisions; avoid corruption and the appearance of corruption in the City's decision-making processes; regulate lobbying activities in a manner that does not discourage or prohibit the exercise of constitutional rights; reinforce public trust in the integrity of local government; and ensure that this division is vigorously enforced.

§27.4002

Definitions

All defined terms in this ~~Division~~ division appear in italics. ~~The first letter of each term defined in this Division is capitalized.~~ Unless the context otherwise indicates, the defined terms have the meanings set forth below.

~~"Activity Expense"~~ Activity Expense means any ~~Payment~~ payment made to, or ~~benefiting or on behalf of,~~ any City Official or any member of a City Official's immediate family, made by a Lobbyist lobbyist, lobbying firm, or organization lobbyist. An ~~Activity Expense~~ benefits a City Official if it is made to, or on behalf of, the City Official. An ~~Activity Expense~~ includes gifts provided to the City

~~Official's spouse or dependent child if the City Official receives benefits from the gift or exercises control or discretion over the use or disposal of the gift.~~ "~~Activity Expenses~~" Activity expenses include gifts, meals, honoraria, consulting fees, salaries, and any other form of ~~Compensation~~ compensation to a City Official or a City Official's immediate family, but do not include campaign contributions.

~~"Agent"~~ Agent means a ~~Person~~ person who acts on behalf of any other ~~Person~~ person. ~~"Agent"~~ Agent includes a ~~Person~~ person who acts on behalf of a ~~Lobbyist~~ lobbyist.

Candidate means any individual who is holding, or seeking to hold, elective City office.

~~"City"~~ City means the City of San Diego or any of its organizational ~~subdivision,~~ office, or board subdivisions, agencies, offices, or boards of the City.

~~"City Board"~~ City Board includes the boards of directors of all City agencies, and any board, commission, committee, or task force of the City established by action of the City Council under authority of the City Charter, Municipal Code, or Council resolution, whose members are required to file a statement of economic interests pursuant to the California Political Reform Act of 1974, as amended.

~~"City Official"~~ includes:

- (a) ~~any elected or appointed City officeholder, including any City officeholder elected but not yet sworn in, City Board member, or employee of the City or any City agency, who, as part of his or her official duties, participates in~~

~~the consideration of any *Municipal Decision* other than in a purely clerical, secretarial or ministerial capacity;~~

- ~~(b) *City Council* members acting in their capacity as Housing Authority and Redevelopment Agency officers; and~~
- ~~(c) any consultants of this *City* who are required to file a statement of economic interest pursuant to any conflict of interest code adopted by the *City Council*.~~

City Official means any of the following officers or employees of the *City*, which includes all *City* agencies: elected officeholder; Council staff member; Council Committee Consultant; Assistant City Attorney; Deputy City Attorney; General Counsel; Chief; Assistant Chief; Deputy Chief; Assistant Deputy Chief; City Manager; Assistant City Manager; Deputy City Manager; Treasurer; Auditor and Comptroller; Independent Budget Analyst; City Clerk; Labor Relations Manager; Retirement Administrator; Director; Assistant Director; Deputy Director; Assistant Deputy Director; Chief Executive Officer; Chief Operating Officer; Chief Financial Officer; President; and Vice-President. *City Official* also means any member of a *City Board*.

~~"Client"~~ *Client* means

- ~~(a) a person who compensates a lobbyist, including an *In-House Lobbyist*, for the purpose of influencing a municipal decision; or~~
- ~~(b) a person on whose behalf a lobbyist makes attempts at influencing a municipal decision.~~

any person who provides compensation to a lobbying firm for the purpose of influencing a municipal decision, and any person on whose behalf lobbying activities are performed by a lobbying firm.

(a) Client includes any person that retains a lobbying firm to engage in lobbying activities pursuant to a contingency agreement.

(b) If a coalition or membership organization is a client, a member of that coalition or organization is not also a client unless that member paid, or agreed to pay, at least \$1,000 to the lobbying firm for lobbying activities performed on behalf of the coalition or organization with regard to a specific municipal decision. For purposes of this subsection, if a member is an individual, payments by that individual's immediate family are attributable to that individual member.

~~"Committee" has the same meaning as that set forth in California Government Code Section 82013.~~

~~"Compensated services" means lobbying activities for which compensation was paid during a reporting period or for which the lobbyist became entitled to compensation during that period.~~

~~"Compensation"~~ Compensation means any economic consideration for services rendered or to be rendered. Compensation does not include , other than reimbursement for *travel expenses*.

Contact means the act of engaging in a direct communication with a City Official for the purpose of influencing a municipal decision. For purposes of this definition:

- (a) each discussion with a *City Official* regarding a different *municipal decision* is considered a separate *contact*;
- (b) each discussion regarding a *municipal decision* with a *City Official* and members of that official's immediate staff, or with multiple immediate staff members of the same *City Official*, is considered a separate *contact*;
- (c) each substantially similar communication, regardless of whether it is made by letter, e-mail, or facsimile, pertaining to one or more *municipal decisions* to one or more *City Officials* is considered a separate *contact* for each *municipal decision*.

~~*Contract* includes but is not limited to written contracts, agreements, memoranda of understanding, and similar writings that set forth transactions involving personal property, real property, intellectual property, personal services, consultant services, public works, or insurance. For purposes of this division, "*contract*" and "*agreement*" are synonymous. The definition of "*contract*" is intended to be broadly construed.~~

~~*Day* means calendar day unless otherwise specified.~~

~~"*Direct Communication*"~~ *Direct communication* means:

- (a) talking to (either by telephone or in person); or
- (b) corresponding with (either in writing or by electronic transmission or facsimile machine).

~~"*Direct Communication*" does not include:~~

- (a) solely responding to questions from any *City Official*; or

- (b) ~~appearing as a speaker at, or providing written statements which become part of the record of, a *Public Hearing*, so long as the *Lobbyist* identifies the *Clients(s)* represented; or~~
- (c) ~~a direct response to an enforcement proceeding with the *City*.~~

~~"Enforcement Authority" has the same meaning as that term is defined in Section 27.2903. *Enforcement Authority* means the City of San Diego Ethics Commission. Nothing in this article limits the authority of the City Attorney, any law enforcement agency, or any prosecuting attorney to enforce the provisions of this article under any circumstances where the City Attorney, law enforcement agency, or prosecuting attorney otherwise has lawful authority to do so.~~

Expenditure lobbyist means any person who makes expenditures for public relations, media relations, advertising, public outreach, research, investigation, reports, analyses, studies, or similar activities designed to influence one or more municipal decisions, to the extent that such payments total \$5,000 or more within a calendar quarter. An expenditure is made on the date a payment is made or on the date consideration, if any, is received by the expenditure lobbyist, whichever is earlier. Expenditures for lobbying activities reported by a lobbying firm or organization lobbyist on a quarterly disclosure report shall not be considered for purposes of calculating the \$5,000 threshold.

Fundraising activity means soliciting, or directing others to solicit, campaign contributions from one or more contributors, either personally or by hosting or sponsoring a fundraising event, and either (a) personally delivering \$1,000 or more in contributions to a candidate or to a candidate's controlled committee, or (b)

identifying oneself to a *candidate* or a *candidate's* controlled committee as having any degree of responsibility for \$1,000 or more in contributions received as a result of that solicitation.

~~“Gift”~~ has the same meaning as that set forth in California Government Code section 82028 *Gift* means any *payment* that confers a personal benefit on the recipient, to the extent that consideration of equal or greater value is not received and includes a rebate or discount in the price of anything of value unless the rebate or discount is made in the regular course of business to members of the public. Any *person*, other than a defendant in a criminal action, who claims that a *payment* is not a *gift* by reason of receipt of consideration has the burden of proving that the consideration received is of equal or greater value. *Gifts* are subject to the exceptions set forth in Municipal Code section 27.3525.

~~*In-House Lobbyist*~~ means an individual who engages in ~~*Lobbying*~~ solely on behalf of his or her business or employer. ~~*In-House Lobbyist*~~ includes, but is not limited to, owners, officers, and salaried employees of a business.

Immediate family means an individual's spouse or registered domestic partner, and any dependent children.

~~“Influencing a municipal decision”~~ *Influencing a municipal decision* means affecting or attempting to affect any action by a *City Official* on one or more ~~*Municipal Decisions*~~ *municipal decisions* by any method, including promoting, supporting, opposing, or seeking to modify or delay such action. ~~“Influencing a municipal decision”~~ *Influencing a municipal decision* also includes providing information, statistics, analysis, or studies to a *City Official*.

~~"Lobbying"~~ Lobbying means ~~Direct Communication~~ direct communication with a City Official for the purpose of ~~Influencing a Municipal Decision~~ influencing a municipal decision on behalf of any other person.

Lobbying activities means the following and similar activities that are related to an attempt to influence a municipal decision: (a) lobbying; (b) monitoring municipal decisions; (c) preparing testimony and presentations; (d) engaging in research, investigation, and fact-gathering; (e) attending hearings; (f) communicating with clients; and (g) waiting to meet with City Officials.

Lobbying entity means any lobbying firm, organization lobbyist, or expenditure lobbyist.

Lobbying firm means any entity that receives or becomes entitled to receive any amount of monetary or in-kind compensation to engage in lobbying activities on behalf of any other person, and that has at least one direct communication with a City Official for the purpose of influencing a municipal decision. A lobbying firm includes any entity that engages in lobbying activities on behalf of another person pursuant to a contingency fee agreement.

~~"Lobbyist"~~ means an individual who receives or becomes entitled to receive the threshold ~~Compensation~~ amount during any calendar quarter for ~~Lobbying~~, and who has had at least one ~~Direct Communication~~ with a City Official in that calendar quarter. ~~Lobbyist~~ includes:

- (a) ~~In-House Lobbyists~~ who engage in ~~Lobbying~~;
- (b) individuals under contract to engage in ~~Lobbying~~; and

~~(e) individuals employed by a firm under contract to provide *Lobbying* services,
whose pro-rated salary for *Lobbying* activities meets the threshold
Compensation during any calendar quarter.~~

Lobbyist means any individual who engages in *lobbying activities* on behalf of a
client or an *organization lobbyist*.

Ministerial action means any action that does not require a *City Official* to exercise
discretion concerning any outcome or course of action. A *ministerial action*
includes, but is not limited to, decisions on private land development made pursuant
to Process 1 as described in Chapter 11 of the Municipal Code.

~~“*Municipal Decision*”~~ *Municipal decision* includes:

- (a) the drafting, introduction, consideration, reconsideration, adoption, defeat,
or repeal of any ordinance or resolution; and
- (b) the amendment of any ordinance or resolution; and
- (c) a report by a *City Official* to the *City Council* or a *City Council Committee*;
and
- (d) contracts; and
- (e) quasi-judicial decisions, including:
 - (1) any decision on a land development permit, map or other matter
decided pursuant to Process 2 through 5 as described in Chapter 11
of this Municipal Code; and
 - (2) any grant of, denial of, modification to, or revocation of a permit or
license under Chapter 1 through 10 of this Municipal Code; and
 - (3) any declaration of debarment as described in Chapter 2, Article 2,
Division 8, of this Municipal Code; and

(f) any other decision of the *City Council* or a *City Board*.

~~"Municipal Decision" does not include any of the following:~~

- ~~(a) any request for advice regarding, or for an interpretation of laws, regulations, *City* approvals or policies; or~~
- ~~(b) any communication among attorneys representing a party or potential party to pending or actual litigation brought by or against the *City*, or *City* agent, officer or employee; or~~
- ~~(c) any ministerial action such as decisions on private land development made pursuant to Process 1 as described in Chapter 11 of this Municipal Code; or~~
- ~~(d) any action relating to the establishment, amendment, administration, implementation or interpretation of a collective bargaining agreement or memorandum of understanding between the *City* and a recognized employee organization, or a proceeding before the Civil Service Commission; or~~
- ~~(e) any management decisions as to the working conditions of represented employees that clearly relate to the terms of collective bargaining agreements or memoranda of understanding pursuant to (d) above.~~

Organization lobbyist means any business or organization, including any non-profit entity, that provides compensation to one or more employees who have a total of 10 or more separate contacts with one or more *City Officials* within 60 consecutive calendar days for purposes of lobbying on behalf of the business or organization.
An employee of any parent or subsidiary of the business or organization is

considered an employee of that entity. "Employees" of an organization lobbyist include the owners, officers, and employees of the business or organization.

~~"Payment"~~ has the same meaning as that set forth in California Government Code section 82044. Payment means a payment, distribution, transfer, loan, advance, deposit, gift or other rendering of money, property, services, or anything else of value, whether tangible or intangible.

~~"Person"~~ Person means any individual, business entity, trust, corporation, association, committee, or any other organization or group of *persons* acting in concert.

~~"Public Hearing"~~ Public hearing means any meeting as defined by the Ralph M. Brown Act where a public record is kept of who spoke and who was represented by a *lobbyist* testifying at that hearing.

~~"Public Official"~~ Public official means an elected or appointed officer or employee or officially designated representative, whether compensated or not, of the United States or any of its agencies; the State of California; the *City*; any political subdivision of the State, including counties and districts; or any public corporation, agency, or commission.

~~"Travel Expenses"~~ Travel expenses means reasonable expenses for transportation plus a reasonable sum for food and lodging.

§27.4004 Exceptions

The following *persons* and activities are exempt from the requirements of this division:

- (a) a ~~Public Official~~ public official acting in his or her official capacity and any government employee acting within the scope of his or her employment;
- (b) any newspaper or other regularly published periodical, radio station, or television station (including any individual who owns, publishes, or is employed by any such newspaper, periodical, radio station, or television station) that in the ordinary course of business publishes news items, editorials, or other comments or paid advertisements ~~which~~ that directly or indirectly urge action on a ~~Municipal Decision~~ municipal decision, if such newspaper, periodical, radio station, or television station, or individual engages in no other activities to ~~Influence a Municipal Decision~~ influence a municipal decision; and
- (c) any ~~Person~~ person whose sole activity includes one or more of the following, unless the activity involves direct communication with a member of the City Council or a member of the City Council's immediate staff:
 - (1) to submit a bid on a competitively bid contract;
 - (2) to submit a written response to a request for proposals or qualifications;
 - (3) to participate in an oral interview for a request for proposals or qualifications; or,
 - (4) to negotiate the terms of a contract or agreement with the ~~City~~ City, once the ~~City~~ City has authorized either by action of the ~~City~~ City Council, ~~City~~ City Manager, or voters, entering an agreement with that ~~Person~~ person whether that ~~Person~~ person has been selected

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pursuant to a bid, request for proposals or qualifications, or by other means of selection recognized by law.

- (5) to communicate in connection with the administration of an existing contract between the *person* and the *City*.
- (d) any request for advice regarding, or for an interpretation of, laws, regulations, *City* approvals, or policies;
- (e) any communication by an attorney with regard to his or her representation of a party or potential party to pending or actual litigation, or to a pending or actual administrative enforcement proceeding, brought by or against the *City*, or *City* agent, officer, or employee;
- (f) any communication concerning a *ministerial action*;
- (g) any communication concerning the establishment, amendment, administration, implementation, or interpretation of a collective bargaining agreement or memorandum of understanding between the *City* and a recognized employee organization, or concerning a proceeding before the Civil Service Commission;
- (h) any communication concerning management decisions regarding the working conditions of represented employees that clearly relate to the terms of collective bargaining agreements or memoranda of understanding pursuant to (g) above;
- (i) solely responding to questions from any *City Official*, or providing oral or written information in response to a subpoena or as otherwise compelled by law;

- (i) solely appearing as a speaker at, or providing written statements that become part of the record of, a public hearing;
- (k) any direct response to an enforcement proceeding with the City.
- (l) the provision of purely technical data or analysis to a City Official by an expert, so long as the expert does not otherwise engage in direct communication for the purpose of influencing a municipal decision. This subsection is intended to be interpreted in a manner consistent with title 2, section 18239(d)(3)(A) of the California Code of Regulations.
- (m) the publishing of any information on an Internet website that is accessible to the general public.

§27.4005 Threshold Determination

- (a) ~~For the purpose of determining whether a Lobbyist has met the threshold for Compensation registration required by Section 27.4007, time spent on the following activities shall be included:~~
 - (1) ~~monitoring a Municipal Decision the Lobbyist is seeking to influence;~~
 - (2) ~~preparing testimony and presentations;~~
 - (3) ~~attending hearings on a Municipal Decision the Lobbyist is seeking to influence;~~
 - (4) ~~communicating with the Lobbyist's Client or the Lobbyist's employer on a Municipal Decision the Lobbyist is seeking to influence; and~~
 - (5) ~~waiting to meet with City Officials. These and similar activities are an integral part of Influencing a Municipal Decision.~~

(b) ~~The threshold Compensation shall be calculated as follows:~~

(1) ~~In 1999 it is \$2,000.~~

(2) ~~It will be adjusted each year thereafter, based on the San Diego Consumer Price Index percentage change.~~

(c) ~~The City Clerk shall publish the threshold Compensation amount on or before January 10 of each year.~~

§27.4006 Activity Expense on Behalf of Client

An ~~Activity Expense~~ activity expense shall be considered to be made on behalf of a ~~Client~~ client if the ~~Client~~ client ~~requires~~ requests, authorizes, or reimburses the expense.

§27.4007 Registration Required

(a) ~~A Lobbyist~~ Every lobbying firm and organization lobbyist is required to register with the City Clerk no later than ten (10) ~~calendar Days~~ days after qualifying as a ~~Lobbyist~~ lobbying firm or organization lobbyist.

(b) ~~Within ten (10) Days after qualifying as a Lobbyist, a Lobbyist shall report the information required by Section 27.4017 for any Compensated Services the Lobbyist provided in the three (3) months prior to the date of qualification as a Lobbyist.~~

(c) ~~Lobbyists shall file with the City Clerk the registration form with the Lobbyists' original signature. Lobbying firms and organization lobbyists shall file their registration forms with the City Clerk, using forms provided by the City Clerk.~~

(d)(c) Nothing in this division precludes an ~~individual~~ entity from registering as a ~~lobbyist~~ lobbying firm or organization lobbyist prior to qualifying as such.

- (d) An entity that registers as a *lobbying firm or organization lobbyist* retains that status through January 5 of the following calendar year unless and until it terminates that status in accordance with section 27.4022. An entity that continues to qualify as a *lobbying firm or organization lobbyist* on January 5 shall renew that registration on or before January 15 of each year.

§27.4009 Contents of Lobbyist's Registration Form

~~Lobbyists shall file with the City Clerk the registration form which contains the following:~~

- (a) ~~the *Lobbyist's* full name, business address, and business telephone number;~~
- (b) ~~the name, business address, and business telephone number of the *Lobbyist's* employer, if any;~~
- (c) ~~a specific description of the *Lobbyist's* employer, if any, in sufficient detail to inform the reader of the nature and purpose of the employer's business;~~
- (d) ~~for each *Client* for which the *Lobbyist* provides *Lobbying Activities*:~~
 - (1) ~~the *Client's* name, business or mailing address, and business or message telephone number;~~
 - (2) ~~a specific description of each *Client* in sufficient detail to inform the reader of the nature and purpose of the *Client's* business;~~
 - (3) ~~the specific *Municipal Decision(s)* for which the *Lobbyist* was retained to represent the *Client*, or a description of the type(s) of *Municipal Decision(s)* for which the *Lobbyist* was retained to represent the *Client*;~~
- (e) ~~a statement that the *Lobbyist* has reviewed and understands the requirements of Division 40 governing municipal lobbying; and~~

- (f) any other information required by the City Clerk consistent with the purposes and provisions of *this* division.
- (a) Every lobbying firm shall file with the City Clerk a registration form that contains the following information:
- (1) the lobbying firm's name, address, and telephone number.
 - (2) the name of each individual employed by the lobbying firm:
 - (A) who has engaged in lobbying the City within the previous 30 calendar days, or
 - (B) who the lobbying firm reasonably anticipates will engage in lobbying the City in the future.
 - (3) a listing of all owners, officers, and lobbyists of the lobbying firm who engaged in fundraising activities for a current elected City Official during the two year period preceding the filing date, along with the name of each applicable City Official. Notwithstanding the requirements of this subsection, lobbying firms have no obligation to report fundraising activities that took place prior to January 1, 2007.
 - (4) a listing of all owners, officers, and lobbyists of the lobbying firm who personally provided compensated campaign-related services to a current elected City Official during the two year period preceding the filing date, along with the name of each applicable City Official. Notwithstanding the requirements of this subsection, lobbying firms have no obligation to report campaign-related services that were rendered prior to January 1, 2007.

- (5) a listing of all owners, officers, and lobbyists of the lobbying firm who personally provided compensated services under a contract with the City during the two year period preceding the filing date, along with the name of the City department, agency, or board for which the services were provided. Notwithstanding the requirements of this subsection, lobbying firms have no obligation to report compensated services provided prior to January 1, 2007.
- (6) for each client for whom the lobbying firm engages in lobbying activities:
- (A) the client's name, business or mailing address, and telephone number; in addition, if the client is a coalition or membership organization, include the name, business or mailing address, and telephone number of each member who also qualifies as a client under section 27.4002.
- (B) a specific description of each client in sufficient detail to inform the public of the nature and purpose of the client's business; and,
- (C) the specific municipal decision(s) for which the lobbying firm was retained to represent the client, or a description of the type(s) of municipal decision(s) for which the lobbying firm was retained to represent the client, and the outcome(s) sought by the client;
- (7) statements by a duly authorized owner or officer of the lobbying firm that he or she:

- (A) reviewed and understands the requirements of Division 40 governing municipal lobbying; and,
 - (B) reviewed the contents of the registration form and verified under penalty of perjury that based on personal knowledge or on information and belief, that he or she believes such contents to be true, correct, and complete,
- (8) the printed name, title, and original signature of the individual making the statements required by subsection (a)(7).
- (9) any other information required by the *Enforcement Authority* or the *City Clerk* consistent with the purposes and provisions of this division.
- (b) Every *organization lobbyist* shall file with the *City Clerk* a registration form that contains the following information:
 - (1) the *organization lobbyist's* name, address, and telephone number.
 - (2) a specific description of the *organization lobbyist* in sufficient detail to inform the public of the nature and purpose of its business.
 - (3) the name of each owner, officer, and employee of the *organization lobbyist* who is authorized to lobby *City Officials* on behalf of the *organization lobbyist*.
 - (4) the total number of lobbying contacts with *City Officials* made on behalf of the *organization lobbyist* by the *organization lobbyist's* owners, officers, or employees during the 60 calendar days preceding the filing date.

- (5) a description of each *municipal decision* the *organization lobbyist* has sought to influence during the 60 calendar days preceding the filing date; and the outcome sought by the *organization lobbyist*.
- (6) a listing of all owners, compensated officers, and *lobbyists* of the *organization lobbyist* who engaged in *fundraising activities* for a current elected *City Official* during the two year period preceding the filing date, along with the name of each applicable *City Official*. Notwithstanding the requirements of this subsection, *organization lobbyists* have no obligation to report *fundraising activities* that took place prior to January 1, 2007.
- (7) a listing of all owners, compensated officers, and *lobbyists* of the *organization lobbyist* who personally provided compensated campaign-related services to a current elected *City Official* during the two year period preceding the filing date, along with the name of each applicable *City Official*. Notwithstanding the requirements of this subsection, *organization lobbyists* have no obligation to report campaign-related services that were rendered prior to January 1, 2007.
- (8) a listing of all owners, compensated officers, and *lobbyists* of the *organization lobbyist* who personally provided compensated services under a contract with the *City* during the two year period preceding the filing date, along with the name of the *City* department, agency, or board for which the services were provided. Notwithstanding the requirements of this subsection, *organization lobbyists* have no

obligation to report compensated services provided prior to January 1, 2007.

(9) statements by a duly authorized owner or officer of the organization lobbyist that he or she:

(A) reviewed and understands the requirements of Division 40 governing municipal lobbying; and,

(B) reviewed the contents of the registration form and verified under penalty of perjury that based on personal knowledge or on information and belief, that he or she believes such contents to be true, correct, and complete.

(10) the printed name, title, and original signature of the individual making the statements required by subsection (b)(9).

(11) any other information required by the Enforcement Authority or the City Clerk consistent with the purposes and provisions of this division.

§27.4010 ~~Lobbyist and Client Registration Fees~~

(a) ~~At the time the Lobbyist registers pursuant to Section 27.4007, the Lobbyist shall pay:~~

(1) ~~an annual Lobbyist registration fee of forty dollars (\$40); plus~~

(2) ~~an annual Client registration fee of fifteen dollars (\$15) for each Client identified on the registration form.~~

(b) ~~A Lobbyist who initially qualifies to register during the last quarter of a calendar year (October through December) pursuant to Section 27.4007 shall pay:~~

- (1) ~~a prorated *Lobbyist* registration fee of twenty dollars (\$20); plus~~
- (2) ~~a prorated *Client* registration fee of ten dollars (\$10) for each *Client* identified on the registration form.~~
- (c) ~~When a *Client* is acquired subsequent to the initial registration, the *Lobbyist* shall pay the *Client* registration fee when filing the information required by Section 27.4009.~~
- (d) ~~For the purpose of determining *Client* registration fees, a trade association or business organization qualified under Internal Revenue Code 501(c)(6) shall consider its members as one *Client*.~~
- (e) ~~For the purpose of determining *Client* registration fees, a single *Client* registration fee shall be paid for a *Person*, other than an individual, that employs more than one *In-House Lobbyist*.~~
- (f) ~~Fees may be paid or reimbursed by the *Person*, if any, who employs the *Lobbyist*.~~
- (a) At the time a *lobbying firm* registers pursuant to section 27.4007, the *lobbying firm* shall pay an annual registration fee based on the number of *lobbyists* identified on its registration form, plus an annual *client* registration fee for each *client* identified on the registration form.
 - (1) A *lobbying firm* that initially qualifies to register during the last quarter of a calendar year (October through December) pursuant to section 27.4007 shall pay prorated registration fees.
 - (2) When a *lobbying firm* adds a *lobbyist* subsequent to the *lobbying firm's* initial registration, the *lobbying firm* shall pay an additional

lobbyist registration fee when filing its amended registration form as required by section 27.4012.

(3) When a lobbying firm acquires a client subsequent to the lobbying firm's initial registration, the lobbying firm shall pay an additional client registration fee when filing its amended registration form as required by section 27.4012.

(4) For the purpose of determining client registration fees, a coalition or membership organization shall be considered a single client, even if one or more of its members also qualify as clients under section 27.4002.

(5) Registration fees may be paid or reimbursed by a client.

(b) At the time an organization lobbyist registers pursuant to section 27.4007, the organization lobbyist shall pay an annual organization lobbyist registration fee.

(1) An organization lobbyist that initially qualifies to register during the last quarter of a calendar year (October through December) pursuant to section 27.4007 shall pay a prorated registration fee.

(2) An organization lobbyist shall pay a single registration fee regardless of the number of its owners, officers, and employees who engage in lobbying activities.

(c) All registration fees shall be set by the City Council based upon the recommendation of the City Clerk. The City Clerk shall from time to time recommend fee amounts to the City Council that reflect, but do not exceed, the City's costs of administering the filing requirements set forth in this

division. A copy of the fee schedule shall be filed in the rate book of fees on file in the office of the City Clerk.

§27.4012 Amendments to Registration Form

~~Except as provided in Section 27.4015(b), Within ten calendar days of any change in the information required on their registration forms, Lobbyists lobbying firms and organization lobbyists shall file amendments to their registration form forms, with the next quarterly disclosure report, and shall disclose any disclosing the change in information required on the registration form as set forth in Section 27.4009.~~

§27.4013 — Duration of Status

~~An individual who registers as a Lobbyist retains that status through January 5 of the following calendar year unless and until he or she terminates that status in accordance with Section 27.4022. An individual who continues to qualify as a Lobbyist on January 5 shall renew that registration on or before January 15 of each year.~~

§27.4014 — Notification of Activity Expense Paid to or Benefiting a City Official

- ~~(a) Any Lobbyist required to file a disclosure report under the provisions of this division shall provide the following information to each City Official who is the beneficiary of an Activity Expense from the Lobbyist:

 - ~~(1) the date and amount of the Activity Expense;~~
 - ~~(2) a description of the Activity Expense provided to the City Official; and~~
 - ~~(3) the client, if any, on whose behalf the expenditure was made.~~~~
- ~~(b) The information required to be disclosed pursuant to subdivision (a) shall be provided in writing to the City Official who is the beneficiary within twenty business days after the date of the expenditure.~~

§27.4015 Quarterly Disclosure Report Required

- (a) ~~Lobbyists~~ Lobbying firms and organization lobbyists shall file quarterly disclosure reports for every calendar quarter during which they retain their status as a ~~Lobbyist~~ lobbying firm or organization lobbyist.
- (b) ~~In lieu of amending the registration form, a Lobbyist may use the quarterly report to disclose any change in information required on the registration form as set forth in Section 27.4009.~~ Expenditure lobbyists shall file quarterly disclosure reports for every calendar quarter in which they qualify as expenditure lobbyists. An entity has no filing obligations as an expenditure lobbyist for any calendar quarter in which it does not meet the definition of an expenditure lobbyist.
- (c) ~~The Lobbyist shall file with the City Clerk the report with an original signature.~~ Each lobbying entity shall file its quarterly disclosure report with the City Clerk, using forms provided by the City Clerk.

§27.4016 Filing Deadline for Quarterly Disclosure Report

~~Lobbyists~~ Lobbying entities shall file quarterly disclosure reports with the City Clerk, with the ~~Lobbyist's~~ original signature, no later than the last ~~Day~~ day of the months of April, July, October, and January. ~~Lobbyists~~ Lobbying entities shall disclose the information required by ~~Section~~ section 27.4017 for the calendar quarter immediately prior to the month in which the report is required to be filed.

§27.4017 Contents of ~~Lobbyist's~~ Quarterly Disclosure Report

~~A Lobbyist's~~ quarterly disclosure report shall contain the following information:

- (a) ~~the Lobbyist's full name, business address, and business telephone number;~~

- (b) ~~the name, business address, and business telephone number of the~~
~~Lobbyist's employer, if any;~~
- (c) ~~the name, business or mailing address, and business or message telephone~~
~~number of each Client represented by the Lobbyist during the reporting~~
~~period; and the specific Municipal Decision(s) for which the Lobbyist~~
~~represented the Client during the reporting period;~~
- (d) ~~total Compensation received during the reporting period in connection with~~
~~Lobbying, itemized by Client. For Lobbyists employed by an entity that~~
~~provides Lobbying services by contract with Clients, the individual Lobbyist~~
~~shall report his or her pro-rata share of Compensation received by, or~~
~~entitled to be received by, the entity for Lobbying services provided to those~~
~~Clients. Such Compensation shall be disclosed using the following ranges: [~~
~~] 0-\$5,000; [] \$5,000-\$25,000; [] \$25,000-\$50,000; and [] Over \$50,000;~~
- (e) ~~an itemization, which includes the date, amount and description of any~~
~~Activity Expenses made by the Lobbyist during the reporting period of \$10~~
~~or more on any one occasion; or Activity Expenses made by the Lobbyist~~
~~during the reporting period aggregating \$50 or more during the quarter, to~~
~~benefit any single City Official on behalf of any one Client;~~
- (f) ~~the name and title of the City Official benefiting from each itemized Activity~~
~~Expense;~~
- (g) ~~the name and address of the payee of each itemized Activity Expense;~~
- (h) ~~the name of the vendor if different from that of the payee of each itemized~~
~~Activity Expense;~~

(i) ~~the name of the *Client*, if any, on whose behalf each itemized *Activity Expense* was made;~~

(j) ~~the total amount of all *Activity Expenses*, whether itemized or not, made by the *Lobbyist* during the reporting period; and~~

(k) ~~any other information required by the *City Clerk* consistent with the purposes and provisions of this division.~~

(a) Each lobbying firm's quarterly disclosure report shall contain the following information:

(1) the lobbying firm's name, address, and telephone number.

(2) the name, business or mailing address, and telephone number of each client represented by the lobbying firm during the reporting period (except that if the client is a coalition or membership organization, such identifying information need not be disclosed for any of its members who also qualify as clients under section 27.4002), along with the following information for that client:

(A) the specific municipal decision(s) for which the lobbying firm represented the client during the reporting period, and the outcome(s) sought by the client;

(B) the name and department of each City Official who was subject to lobbying by the lobbying firm with regard to that specific municipal decision;

(C) the name of each lobbyist employed by the lobbying firm who engaged in lobbying activities with regard to that specific municipal decision; and,

- (D) the total *compensation* that the *lobbying firm* became entitled to receive for engaging in *lobbying activities* during the reporting period on behalf of that *client*. Such *compensation* shall be disclosed to the nearest thousand dollars.
- (3) an itemization of *activity expenses* that includes the following:
- (A) the date, amount, and description of any *activity expense* that exceeds \$10 on any single occasion made by the *lobbying firm* or any of its *lobbyists* during the reporting period for the benefit of a single *City Official* or any member of a *City Official's immediate family*;
- (B) the name, title, and department of the *City Official* who benefited, or whose *immediate family* benefited, from the itemized *activity expense*;
- (C) the name of each *lobbyist* who participated in making the *activity expense*;
- (D) the name and address of the payee of each itemized *activity expense*; and
- (E) the name of the *client*, if any, on whose behalf each itemized *activity expense* was made.
- (4) an itemization of any campaign contributions of \$100 or more made by owners, officers, or *lobbyists* of the *lobbying firm* to a *candidate* or a *candidate-controlled committee* during the reporting period, including the date and amount of the contribution and the name of the *candidate* supported.

- (5) an itemization of any campaign contributions of \$100 or more made by the *lobbying firm* or any of its owners, officers, or *lobbyists* during the reporting period to a *candidate*-controlled committee that is organized to support or oppose a ballot measure, including the name of the *candidate*, the date and amount of the contribution, and the name of the ballot measure committee.
- (6) for each instance of *fundraising activity* by an owner, officer, or *lobbyist* of the *lobbying firm* during the reporting period:
- (A) the name of the owner, officer, or *lobbyist* who engaged in the *fundraising activity*;
 - (B) the name of the elected *City Official* or *candidate* benefiting from the *fundraising activity*;
 - (C) a description of the ballot measure, if any;
 - (D) the date(s) of the *fundraising activity*;
 - (E) a brief description of the *fundraising activity*; and
 - (F) the approximate amount of (i) all contributions personally delivered by the owner, officer, or *lobbyist* to a *candidate* or a *candidate's* controlled committee; and (ii) all contributions for which the owner, officer, or *lobbyist* has identified himself or herself to a *candidate* or a *candidate's* controlled committee as having some degree of responsibility for raising.
- (7) for each owner, officer, and *lobbyist* of the *lobbying firm* who personally provided compensated campaign-related services to a

candidate or a candidate-controlled committee during the reporting period:

(A) the name of the owner, officer, or lobbyist who provided the services;

(B) the candidate's name, and the office sought by that candidate;

(C) the name of the candidate-controlled ballot measure committee and a description of the ballot measure, if applicable;

(D) the approximate amount of compensation earned during the reporting period for the services provided to the candidate or candidate-controlled committee; and,

(E) a description of the services provided.

(8) for each owner, officer, and lobbyist of the lobbying firm who personally provided compensated services under a contract with the City during the reporting period:

(A) the name of the owner, officer, or lobbyist who provided the services;

(B) the name of the department, agency, or board for which the services were provided;

(C) the approximate amount of compensation earned during the reporting period for the services provided under the contract; and,

(D) a description of the services provided.

- (9) a statement by a duly authorized owner or officer of the *lobbying firm* that he or she has reviewed the contents of the quarterly disclosure report and verified under penalty of perjury that based on personal knowledge or on information and belief, that he or she believes such contents to be true, correct, and complete.
- (10) the printed name, title, and original signature of the individual making the statement required by subsection (a)(9).
- (11) any other information required by the *Enforcement Authority* or the *City Clerk* consistent with the purposes and provisions of this division.
- (b) Each *organization lobbyist's* quarterly disclosure report shall contain the following information:

 - (1) the *organization lobbyist's* full name, address, and telephone number.
 - (2) for each *municipal decision(s)* for which the *organization lobbyist* engaged in *lobbying activities* during the reporting period:

 - (A) a description of the specific *municipal decision*, and the outcome sought by the *organization lobbyist*;
 - (B) the name and department of each *City Official* who was subject to *lobbying* by the *organization lobbyist* during the reporting period with regard to that specific *municipal decision*; and,
 - (C) the name of each owner, officer, or employee of the *organization lobbyist* who engaged in *lobbying activities*

during the reporting period with regard to that specific
municipal decision.

(D) the total number of lobbying contacts with City Officials
made on behalf of the organization lobbyist by the
organization lobbyist's owners, officers, or employees with
regard to that specific municipal decision during the
reporting period.

(3) an itemization of activity expenses that includes the following:

(A) the date, amount, and description of any activity expense that
exceeds \$10 on any single occasion made by the organization
lobbyist or any of its lobbyists during the reporting period for
the benefit of a single City Official or any member of a City
Official's immediate family;

(B) the name, title, and department of the City Official who
benefited, or whose immediate family benefited, from the
itemized activity expense;

(C) the name of each lobbyist who participated in making the
activity expense; and,

(D) the name and address of the payee of each itemized activity
expense.

(4) an itemization of any campaign contributions of \$100 or more made
by owners, compensated officers, or lobbyists of the organization
lobbyist to a candidate or a candidate-controlled committee during

the reporting period, including the date and amount of the contribution and the name of the *candidate* supported.

(5) an itemization of any campaign contributions of \$100 or more made by the *organization lobbyist* or any of its owners, compensated officers, or *lobbyists* during the reporting period to a *candidate-controlled* committee that is organized to support or oppose a ballot measure, including the date and amount of the contribution and the name of the ballot measure committee.

(6) for each instance of *fundraising activity* by an owner, compensated officer, or *lobbyist* of the *organization lobbyist* during the reporting period:

(A) the name of the owner, officer, or *lobbyist* who engaged in the *fundraising activity*;

(B) the name of the elected *City Official* or *candidate* benefiting from the *fundraising activity*;

(C) a description of the ballot measure, if any;

(D) the date(s) of the *fundraising activity*;

(E) a brief description of the *fundraising activity*; and

(F) the approximate amount of (i) all contributions personally delivered by the owner, officer, or *lobbyist* to a *candidate* or a *candidate's* controlled committee; and (ii) all contributions for which the owner, officer, or *lobbyist* has identified himself or herself to a *candidate* or a *candidate's* controlled

committee as having some degree of responsibility for raising.

- (7) for each owner, compensated officer, and lobbyist of the organization lobbyist who personally provided compensated campaign-related services to a candidate or a candidate-controlled committee during the reporting period:
- (A) the name of the owner, officer, or lobbyist who provided the services;
 - (B) the candidate's name, and the office sought by that candidate;
 - (C) the name of the candidate-controlled ballot measure committee and a description of the ballot measure, if applicable;
 - (D) the approximate amount of compensation earned during the reporting period for the services provided to the candidate or candidate-controlled committee; and,
 - (E) a description of the services provided.
- (8) for each owner, compensated officer, and lobbyist of the organization lobbyist who personally provided compensated services under a contract with the City during the reporting period:
- (A) the name of the owner, officer, or lobbyist who provided the services;
 - (B) the name of the department, agency, or board for which the services were provided;

- (C) the approximate amount of *compensation* earned during the reporting period for the services provided under the contract;
 - and,
 - (D) a description of the services provided.
 - (9) a statement by a duly authorized owner or officer of the *organization lobbyist* that he or she has reviewed the contents of the quarterly disclosure report and verified under penalty of perjury that based on personal knowledge or on information and belief, that he or she believes such contents to be true, correct, and complete.
 - (10) the printed name, title, and original signature of the individual making the statement required by subsection (b)(9).
 - (11) any other information required by the *Enforcement Authority* or the *City Clerk* consistent with the purposes and provisions of this division.
- (c) An *expenditure lobbyist's* quarterly disclosure report shall contain the following information:
 - (1) The name, address, and telephone number of the *expenditure lobbyist*.
 - (2) The name, title, address, and telephone number of the individual responsible for preparing the report.
 - (3) A description of each *municipal decision* that the *expenditure lobbyist* attempted to influence during the reporting period, and for each such *municipal decision*:

- (A) The total expenditures the expenditure lobbyist made during the reporting period for the purpose of attempting to influence that municipal decision. An expenditure is made on the date a payment is made or on the date consideration, if any, is received by the expenditure lobbyist, whichever is earlier. An expenditure lobbyist need not disclose expenditures for lobbying activities reported by a lobbying firm or organization lobbyist on a quarterly disclosure report.
- (B) The name, address, telephone number, and amount of payment for each person who made a payment, or the promise of a payment, of \$100 or more to the expenditure lobbyist for the express purpose of funding any expenditure identified in subsection (c)(3)(A).
- (C) The outcome sought by the expenditure lobbyist.
- (4) a statement by a duly authorized owner or officer of the expenditure lobbyist that he or she has reviewed the contents of the quarterly disclosure report and verified under penalty of perjury that based on personal knowledge or on information and belief, that he or she believes such contents to be true, correct, and complete.
- (5) the printed name, title, and original signature of the individual making the statement required by subsection (c)(4).
- (6) any other information required by the Enforcement Authority or the City Clerk consistent with the purposes and provisions of this division.

§27.4018 Amendments to Quarterly Disclosure Reports

Any lobbying entity that discovers incomplete or inaccurate information in a quarterly disclosure report that it filed with the City Clerk shall, within ten calendar days of the discovery, file an amended quarterly disclosure report with the City Clerk disclosing all information necessary to make the report complete and accurate.

§27.4018 27.4019 Accountability Retention of Records

In addition to any other requirement of this division, every Lobbyist lobbying entity shall retain for a period of five years all books, papers, and documents necessary to substantiate the quarterly disclosure reports required to be made under this division.

§27.4020 Forms to be Provided by the City Clerk

Lobbyists shall file registration forms and quarterly disclosure reports required by this division on forms provided by the City Clerk.

§27.4021 Verification of Registration Form and Quarterly Disclosure Report

Lobbyists shall sign and verify registration forms and quarterly disclosure reports required by this division under penalty of California perjury laws.

§27.4022 Termination of Lobbyist Status as Lobbying Firm or Organization Lobbyist

An individual who A lobbying firm or organization lobbyist that ceases being a Lobbyist lobbying entity shall notify the City Clerk of this status upon the quarterly disclosure report form provided by the City Clerk. Upon terminating, the individual lobbying firm or organization lobbyist shall report the any information required in Section by section 27.4017 that remains unreported has not been reported since the its last quarterly disclosure report.

§27.4023 ~~Other~~ **Obligations of a Lobbyist** Individual Lobbyists

~~Any individual who is required to register as a Lobbyist under the provisions of this division, shall:~~ Every lobbyist shall:

- (a) disclose his or her status as a ~~Lobbyist~~ lobbyist to a *City Official* before providing anything of value to that individual which would require disclosure as an ~~Activity Expense~~ to the ~~City Official~~ pursuant to Section 27.4014. making any activity expense to, or for the benefit of, that City Official or that City Official's immediate family;
- (b) abstain from doing any act with the purpose or intent of placing a *City Official* under personal obligation to the ~~Lobbyist~~ lobbyist, or to the ~~Lobbyist's~~ lobbyist's employer or ~~Client~~ client;
- (c) correct, in writing, any misinformation given to a *City Official*, specifying the nature of the misinformation;
- (d) not deceive or attempt to deceive a *City Official* as to any material fact pertinent to any pending or proposed ~~Municipal Decision~~ municipal decision;
- (e) not cause any communication to be sent to a *City Official* in the name of any fictitious ~~Person~~ person, or in the name of any real ~~Person~~ person, except ~~with~~ without the consent of such real ~~Person~~ person; and,
- (f) not attempt to evade the obligations in this section through indirect efforts or through the use of ~~Agents~~ agents, associates, or employees.

§27.4024 **Employment of City** Official or Employees by Lobbyist ~~Lobbying Entity~~

~~If any Lobbyist registered or required to be registered under Section 27.4007:~~

- (a) employs, in any capacity whatsoever, or

- (b) ~~requests, recommends, or causes the *Lobbyist's* employer to employ any individual known to be a *City Official*, the *Lobbyist* shall file a written statement with the *City Clerk* within ten (10) *Days* after such employment. This statement shall set forth the name of the individual employed, the date first employed by the *Lobbyist* or the *Lobbyist's* employer, and that individual's position, title, and department in the *City*.~~

If any *lobbying entity* employs or retains a current *City Official* or *City* employee, or any member of that official's or employee's *immediate family*, that *lobbying entity* shall file a written statement with the *City Clerk* within ten calendar days after such employment commences. This statement shall set forth the name of the individual employed, the date the individual was first employed by the *lobbying entity*, and the individual's position, title, and department in the *City*.

§27.4030 Gifts from Lobbying Entities and Lobbyists

- (a) It is unlawful for a *lobbying firm* or any of its *lobbyists* to make a *gift*, act as an *agent* or intermediary in the making of a *gift*, or arrange for the making of a *gift* if:
- (1) the *gift* is given to a *City Official*, and
 - (2) the aggregate value of all *gifts* from the *lobbying firm* and its *lobbyists* to that *City Official* exceeds \$10 within a calendar month.
- (b) It is unlawful for a *organization lobbyist* or any of its *lobbyists* to make a *gift*, act as an *agent* or intermediary in the making of a *gift*, or arrange for the making of a *gift* if:
- (1) the *gift* is given to a *City Official*, and

(2) the aggregate value of all gifts from the organization lobbyist and its lobbyists to that City Official exceeds \$10 within a calendar month.

(c) For purposes of this section, an entity or individual "arranges for the making of a gift" if the entity or individual, either directly or through an agent, does any of the following:

- (1) delivers a gift to the recipient;
- (2) acts as the representative of the donor, if the donor is not present at the occasion of a gift, except when accompanying the recipient to an event where the donor will be present;
- (3) invites or sends an invitation to an intended recipient regarding the occasion of a gift;
- (4) solicits responses from an intended recipient concerning his or her attendance or nonattendance at the occasion of a gift;
- (5) is designated as the representative of the donor to receive responses from an intended recipient concerning his or her attendance or nonattendance at the occasion of a gift; or,
- (6) acts as an intermediary in connection with the reimbursement of a recipient's expenses.

~~§27.4025~~ §27.4040 **Powers and Duties of the City Clerk**

- (a) Upon receipt of a written request, the City Clerk may issue a notice of ~~registration requirements~~ filing obligations to any ~~Person~~ person whom a City Official or any other ~~Person~~ person has reason to believe should ~~be registered~~ file a registration form or quarterly disclosure report under this division. Before sending the notice, the Clerk:

- (1) shall require the City Official or ~~Person~~ person making the request to provide a written statement of the factual basis for the belief; and,
 - (2) shall determine whether sufficient facts exist to warrant sending the notice.
- (b) Any ~~individual~~ person who in good faith and on reasonable grounds believes that he, ~~or she,~~ or it is not required to comply with the provisions of ~~Section~~ sections 27.4007 or 27.4015 by reason of being exempt under any provision of this division shall not be deemed to have violated the provisions of ~~Section 27.4007~~ these sections if, within ten ~~(10) Days~~ calendar days after the City Clerk has sent specific written notice, the ~~individual~~ person either complies with the requirements of this division, or furnishes satisfactory evidence to the Clerk that he, ~~or she,~~ or it is exempt from ~~registration~~ filing obligations.
- (c) As soon as practicable after the close of each quarter, the City Clerk shall complete a summary of the information contained in registration forms and quarterly disclosure reports required to be filed under the provisions of this division. This summary shall be forwarded to the Mayor, ~~and~~ City Council, and the Enforcement Authority.
- (d) The City Clerk shall preserve all registration forms and quarterly disclosure reports required to be filed under this division for a period of five years from the date of filing. These registration forms and quarterly disclosure reports shall constitute part of the public records of the Clerk's office, and shall be open to public inspection. Copies shall be made available by the Clerk upon request and payment of any lawful copy charges.

- (e) The *City* Clerk shall report apparent violations of this division to the *Enforcement Authority*.
- (f) The *City* Clerk shall have the power to adopt all reasonable and necessary procedures to implement this division.

~~§27.4026~~ §27.4041 **Inspection of Forms and Reports**

- (a) The *City* Clerk shall inspect, or cause to be inspected, each registration form and quarterly disclosure report filed under this division within ~~twenty (20)~~ working Days thirty calendar days after the filing deadline. The Clerk shall notify an ~~individual~~ entity to file a registration form or quarterly disclosure report under this division if it appears that the ~~individual~~ entity has failed to file as required by law or that the registration form or quarterly disclosure report filed by the ~~individual~~ entity does not conform to law.
- (b) Any ~~individual~~ entity notified to file an original or amended registration form or quarterly disclosure report shall file the form or report by the deadline imposed in the notification from the Clerk.

§27.4045 **Online Disclosure of Forms and Reports**

- (a) It is the intent of the *City* to implement an electronic filing system that facilitates the disclosure of *lobbying activities* engaged in by *lobbying entities*. When a practical and financially feasible electronic filing system has been implemented by the *City* Clerk, the provisions of this section shall be in effect.
- (b) Every *lobbying entity* required to file a registration form or quarterly disclosure report pursuant to this division shall use the *City* Clerk's electronic filing system to file online such forms or reports.

- (c) Every lobbying entity shall continue to file a paper copy of each form or report with the City Clerk. The paper copy shall continue to be the original form or report for audit and other legal purposes.
- (d) The information contained on a form or report filed online shall be the same as that contained on the paper copy of the same form or report that is filed with the City Clerk.

~~§27.4027~~ §27.4050 **Enforcement Authority: Duties, Complaints, Legal Action, Investigatory Powers**

- (a) Any ~~Person~~ person who believes that violation of any portion of this ~~Division~~ division has occurred may file a complaint with the *Enforcement Authority*.
- (b) The *Enforcement Authority* shall have such investigative powers as are necessary for the performance of the duties prescribed in this ~~Division~~ division. The *Enforcement Authority* may demand and shall be furnished ~~records of Lobbying Activity Expenses activity expenses at any time. any~~ records that may prove or disprove the accuracy of information contained in a registration form or quarterly disclosure report. In the event that there is a claim that any such records are entitled to protection from disclosure under the attorney-client privilege, the *Enforcement Authority* shall be provided with sufficient documentation to verify the information to which the City is entitled under California Business and Professions Code section 6009.
- (c) The *Enforcement Authority* shall determine whether ~~required statements and declarations~~ forms and reports have been filed as required and, if so, whether they conform ~~with~~ to the requirements of this ~~Division~~ division.

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- (d) The *Enforcement Authority* may elect to enforce the provision of this ~~Division~~ division administratively pursuant to Chapter 2, Article 6, Division 4, or may otherwise recommend or refer enforcement actions to the City Attorney or other law enforcement agency with jurisdiction.

~~§27.4028~~ §27.4055 **Violations, Penalties and Defenses**

- (a) Violations of this division may be prosecuted as misdemeanors subject to the fines and custody provided in San Diego Municipal Code section 12.0201. The *City* may also seek injunctive relief and civil penalties in the Superior Court pursuant to Municipal Code section 12.0202 ~~or pursue any administrative remedy set forth in Chapter I of this Code.~~ In addition, if the matter is pursued by the *Enforcement Authority* as an administrative matter, any person found in violation is subject to the administrative penalties provided for in Chapter 2, Article 6, Division 4.
- (b) In addition to any other penalty or remedy available, if any individual lobbying entity fails to file any registration form or quarterly disclosure report required by this division after any deadline imposed by this division, that individual lobbying entity shall be liable to the *City* of San Diego in the amount of ~~ten dollars (\$10)~~ per ~~Day~~ calendar day after the deadline until the report is filed, up to a maximum amount of \$100.
- (c) Provisions of this division need not be enforced by the *City* Clerk if it is determined that the late filing was not willful and that enforcement of the penalty would not further the purposes of this division.
- (d) Provisions of this division shall not be waived if a registration form or quarterly disclosure report, or an amendment to correct any deficiency in a

registration form or quarterly disclosure report, is not filed by the deadline imposed in the notification from the *City* Clerk of the filing requirement.

- (e) Any limitation of time prescribed by law within which prosecution for a violation of any part of this division must be commenced shall not begin to run until the *City*'s discovery of the violation.

§27.3503 Definitions

Each word or phrase that is defined in this Division appears in the text of this Division in italicized letters. Except as otherwise provided herein, the terms and provisions of this Division shall have the meanings and shall be interpreted in accordance with the applicable definitions and provisions of the Political Reform Act of 1974, as amended (California Government Code sections 81000 through 91014) and the regulations of the California Fair Political Practices Commission, as amended. For purposes of this Division, the following definitions shall apply:

Benefit through Influencing a municipal decision [No change in text]

~~*In-House Lobbyist* means an individual who engages in *Lobbying* solely on behalf of his or her business or employer. *In-House Lobbyist* includes, but is not limited to, owners, officers, and salaried employees of a business.~~

Loan through Lobbying [No change in text]

Lobbying firm means any entity defined as a "lobbying firm" in San Diego

Municipal Code section 27.4002.

~~*Lobbyist* means an individual who receives or becomes entitled to receive the threshold compensation amount during any calendar quarter for *Lobbying*, and who~~

has had at least one ~~Direct Communication~~ with a ~~City Official~~ in that calendar quarter. ~~Lobbyist~~ includes:

- (a) ~~In-House Lobbyists who engage in Lobbying;~~
- (b) ~~individuals under contract to engage in Lobbying; and~~
- (c) ~~individuals employed by a firm under contract to provide Lobbying services;~~
~~whose pro rated salary for Lobbying activities meets the threshold~~
~~compensation during any calendar quarter.~~

Lobbyist means any individual defined as a "lobbyist" in San Diego Municipal Code section 27.4002.

~~Lobbyist Employer means any person, other than a Lobbying firm, who:~~

- (a) ~~Employs one or more Lobbyists for economic consideration; other than reimbursement for reasonable travel expenses, for the purpose of influencing a municipal decision; or~~
- (b) ~~Contracts for the services of a Lobbying firm for economic consideration; other than reimbursement for reasonable travel expenses, for the purpose of influencing a municipal decision.~~

Local Code Filer through Municipal Decision [No change in text]

Organization lobbyist means any entity defined as an "organization lobbyist" in San Diego Municipal Code section 27.4002.

Party through Public Hearing [No change in text]

Restricted source includes:

- (a) a ~~Lobbyist~~ lobbyist, lobbying firm, or ~~Lobbyist Employer~~ organization lobbyist, seeking to influence a municipal decision;
- (b) a person doing business with the City; and
- (c) a person who, during the reporting period, directly communicated with a City Official pertaining to a municipal decision which would have a material financial effect on such person; or
- d) a person who is a party to a municipal decision which within the prior nine months was pending before the City Official, and for nine months following the date a final decision is rendered in the proceeding.

A restricted source does not include an individual (other than a ~~Lobbyist~~ lobbyist) who is employed by a restricted source.

Travel expenses [No change in text]

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